



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

## AGENDA

### Planning and Zoning Commission Regular Meeting\*

Tuesday, April 3, 2018, at 5:30 P.M.

City Hall Council Chamber

201 E. Walnut

#### Call to Order

- ITEM 1:** Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on March 6, 2018.

#### Public Hearing Items:

- ITEM 2:** **ZC2018-01** Commission to hear and take action to make a recommendation to City Council regarding Zoning Change Application 2018-01—Mr. Mark Southard's request to amend the zoning map from a Single Family-2 (SF-2) Zoning District to a Two Family (2F) Zoning District on Lot 1R-1, Block 79, South Decatur Addition, a 0.258 acre-tract of land and is more commonly referred to as 1301 S. State Street, Decatur, Texas. A complete legal description of the property is included in the staff report.

#### Non Public Hearing Items:

- ITEM 3:** **PP2017-12** Commission to hear and take action to make a recommendation to City Council regarding Preliminary Plat Application 2017-12—Mr. Jake Long's request, on behalf of J&S Wood Investments, to preliminary plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.
- ITEM 4:** **PP2018-01** Commission to hear and take action to make a recommendation to City Council regarding Preliminary Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to preliminary plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description of the property is included in the staff report.
- ITEM 5:** **FP2018-01** Commission to hear and take action to make a recommendation to City Council regarding Final Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to preliminary plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description of the property is included in the staff report.
- ITEM 6:** **V2018-03** Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-03—Mr. and Mrs. Troy Wolfe's request for a variance from Chapter 1, Section 106, Sidewalks of the City of Decatur's Design Standards on approximately 130.31 linear feet along Shady Lane, where adjacent to the west boundary of Lot 22, Woodland Estates, and more commonly known as 1400 Shady Lane, City of Decatur, Texas.

- ITEM 7:** New and/or future business items:
- a. May meeting currently has eight (8) applications:
    - i. SI2018-01 – Zoning Amendments to C-1A Zoning District
    - ii. SI2018-02 – Zoning Amendments related to Food Establishment Rules
    - iii. FP2018-02 – West Decatur Hills Subdivision
    - iv. RP2018-03 – Lots 1-4, Block 186R, James Tarleton Addition
    - v. RP2018-04 – Lot 3R, Block 16, Range C, Devereux Addition (Commercial Replat)
    - vi. RP2018-05 – Lot 3A, Block 76 South Decatur Addition
    - vii. V2018-04 – Sidewalk Variance, 1303 S. Hatcher
    - viii. V2018-05 – Curb & Gutter Variance, 1303 S. Hatcher

## **Adjournment**

Prepared and posted this the 30<sup>th</sup> day of March, 2018, in accordance with Chapter 551, Texas Government Code.

Dedra Denée Ragland, AICP  
Planning and Development Director

## MINUTES

A regular called meeting of the City of Decatur Planning and Zoning Commission was held at 6:00 p.m., Tuesday, March 6, 2018, in City Hall Meeting Room with the following in attendance:

**MEMBERS PRESENT:**

Curtis Creswell  
Terry Berube  
John Lanier  
Eddie Allen  
Eileen Standridge

**MEMBERS ABSENT:**

William D. Edwards, Chairman  
Cecil LeMond, Vice-Chairman

**OTHERS PRESENT:** Planning and Development Director Dedra Ragland, Legal Counsel Patricia Adams, City Engineer Earl Smith, Building Official Wayne Smith and Development Review Coordinator Shanna Smith, representing the staff; Loyd Jackson and Thom Lambert, representing the applicants; and William Gregg, Decatur citizen.

**In the absence of Chairman Edwards and Vice-Chairman LeMond, Commissioner Berube made a motion for Commissioner Creswell to serve as acting Chairman. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards, Vice-Chairman LeMond and Commissioner Allen absent.**

**Commissioner Creswell called the meeting to order at 6:00 p.m.**

**ITEM 1:** Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on February 6, 2018

**Commissioner Berube made a motion to approve the Meeting Minutes for February 6, 2018. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards, Vice-Chairman LeMond and Commissioner Allen absent.**

**ITEM 2:** Consider changing the meeting times from 6:00 p.m. to 5:30 p.m.

**Commissioner Berube made a motion to change the meeting time to 5:30 p.m. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards, Vice-Chairman LeMond and Commissioner Allen absent.**

**Public Hearing Items:**

**ITEM 3:** **RP2018-02** Commission to hear and take action to make a recommendation to City Council regarding Replat Application 2018-02—Mr. Loyd Jackson's request, on behalf of South Martin Branch Development, L.P., to final plat Lots 3R-8R, Block C, South Martin Branch, Phase 3, being approximately 16.11 acres and a replat of Lots 3-8, Block C, South Martin Branch, Phase 3 of the South Martin Branch Planned Development, to the City of Decatur, Wise County Texas. A complete legal description is found on the plat exhibit which is located at 1601 S. State St, Bldg. C, Decatur, Texas 76234.

Planning Director Ragland presented the staff report. The engineer for the project spoke to City Engineer Earl Smith concerning six (6) of the lots being located near a flood plain. The dimensions of the lots have been changed to accommodate the flood plain issue. Twenty-two (22) property owners were notified with one response received in opposition to the request. Staff recommended approval.

Commissioner Standridge asked if the change left significant green space. City Engineer Earl Smith answered, no, the adjustments were minor. He went on to explain that The Federal Emergency Management Agency (FEMA) does not want building lines touching a flood plain. Commissioner Creswell asked if the lots can be developed. City Engineer Earl Smith answered, yes, the builder will be required to provide elevations.

*William Gregg*, 103 Brookview Dr., Decatur Texas, addressed the Commission with several concerns and grievances with the South Martin Branch (SMB) development. Mr. Gregg prepared a letter in which he read in its entirety before allowing staff to respond. Mr. Gregg's grievances ranged from issues with traffic in the Brookhollow neighborhood to settling ground on his property where sewer and water lines have been connected in order to service the residents of SMB to issues with a gas well in the subdivision. Mr. Gregg stated the City has catered to the developer of SMB at the expense of the Brookhollow residents. Mr. Gregg has witnessed trucks cutting through Brookhollow to access SMB. He is outraged by the fact SMB was annexed into the City limits in 2007. Mr. Gregg stated there was a petition against the annexation that the City failed to recognize. He raised his concerns with a gas well that is located in SMB. Staff attempted to answer some of Mr. Gregg's concerns but each response received a negative reply from Mr. Gregg. Planning Director Ragland stated the streets are public rights-of-way and accessible by anyone. She responded to Mr. Gregg's comment about the petition against the annexation by stating she is not aware of a petition but will check the case files for such a document. She also noted the annexation was voluntary. Planning Director Ragland cited the Subdivision Ordinance required connectivity of subdivisions. Commissioner Standridge added the homes on the outer edge of Brookhollow purposely had area around them for future growth. Planning Director Ragland added to Commissioner Standridge's comment by adding the streets were stubbed for future construction. Commissioner Berube served on the P&Z when SMB was annexed. She did not recall a signed petition against the annexation but did recall a few citizens who spoke in opposition to the request. City Engineer Earl Smith further addressed Mr. Gregg's grievances with SMB. He made it clear to Mr. Gregg the City did not fund any of the public improvements in the SMB subdivision including, but not limited to, the streets, curbing, sidewalks or water and sewer infrastructure. Mr. Gregg quickly responded with whether or not the City paid for the gas pipeline. City Engineer Earl Smith answered, no. He went on to encourage Mr. Gregg to contact Greg Hall with Public Works in order to work through his issues with his yard settling. Mr. Gregg stated he has called the City with no results. Again, City Engineer Earl Smith urged Mr. Gregg to contact the City and the City will ensure the repairs are completed for the settling issues if issues are in fact on the City's side. He also stated the contractors were made aware during a pre-application meeting to not use the Brookhollow streets to access SMB. If this is in fact happening, Mr. Gregg needs to contact the City in order for it to be addressed. Planning Director Ragland addressed Mr. Gregg's concerns with a gas well located in the SMB subdivision. She stated the gas well is existing and the Subdivision Ordinance addresses setbacks for gas wells that are being drilled in existing neighborhoods. Mr. Gregg asked if gas wells can be drilled inside the City limits. Planning Director Ragland answered, yes. Mr. Gregg admitted he will make it hard on the City as he is very angry with the development at SMB. Mr. Loyd Jackson, SMB representative, added that a storm siren has been installed at the owner's expense to the SMB and Brookhollow area. Mr. Gregg's response was, yes it was not important enough for Brookhollow but the City accommodated SMB.

*Commissioner Allen arrived at 6:20 immediately following the discussion for RP2018-02. Commissioner Allen abstained from voting since he was not present during the discussion.*

**Commissioner Lanier made a motion to recommend approval of Replat Application 2018-02. Commissioner Standridge seconded the motion. The motion passed 4-0, Commissioner Allen abstained, Chairman Edwards and Vice-Chairman LeMond absent.**

#### **Non Public Hearing Items:**

**ITEM 4: V2018-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Variance Application 2018-01—Mrs. Diana Haydon's request for a variance



from Chapter 1, Section 106, Sidewalks of the City of Decatur's Design Standards on approximately 70.80 linear feet along N. Church St., where adjacent to the west boundary of Lot 5, Block 6, Terrell Addition, and more commonly known as 902 N. Church St., City of Decatur, Texas.

Planning Director Ragland presented the staff report. She explained to the Commission that Ms. Haydon's contractor was observed working without a permit. The contractor was performing structural work inside the home which requires a permit. Ms. Haydon's property is platted and curbed but does not have sidewalks. The survey provided by Ms. Haydon reflects encroachments on the property. Ms. Haydon will be seeking a variance for the encroachments from The (Zoning) Board of Adjustment (ZBA) in April. Planning Director Ragland explained the sidewalk variance and encroachment variance need to be addressed before Ms. Haydon can apply for a building permit to finish the work in her home.

Commissioner Berube asked if there were sidewalks in the applicant's neighborhood. Commissioner Creswell has driven by the home and did not observe many sidewalks in the area. The sidewalks that are existing are in disrepair. He asked if the contractor was unaware a permit is required. Planning Director Ragland answered the contractor informed Ms. Haydon she did not need a permit for the work being performed. Building Official Wayne Smith fully believes Ms. Haydon was not aware a permit is required and she is working to correct the issues. Commissioner Allen reiterated sidewalks are not present in this neighborhood.

**Commissioner Allen made a motion to recommend approval of Variance 2018-01. Commissioner Berube seconded the motion. The motion passed 5-0, Chairman Edwards and Vice-Chairman LeMond absent.**

**ITEM 5:** **PP2017-09** Commission to hear and consider and take action to make a recommendation to City Council regarding Preliminary Plat Application 2017-09—Mr. Thom Lambert's request, on behalf of the Corporation for Economic Development of the City of Decatur, to preliminary plat Lots 1-3, Block 1, Eagles Landing Business Park Addition, being a 162.1419-acre tract of land in the S. Brandenburg Survey, Abstract No. 49, the F. Diaz Survey, Abstract No. 254, and the Smith & Merrimam Survey, Abstract No. 785, City of Decatur, Wise County, Texas. A complete legal description of the property is located on the plat exhibit found in the staff report.

Planning Director Ragland presented the staff report. The property has issues with gas wells and pipelines. City Attorney Mason Woodruff, EDC Attorney Jeff Moore and Land Use Attorney Patricia Adams recommended identifying mineral drilling easements for the gas wells to move forward with the platting. Staff recommended approval.

Commissioner Creswell asked if more wells can be drilled on the property. Planning Director Ragland answered, yes. Commissioner Lanier asked applicant Thom Lambert who the intended users will be for the property. Thom Lambert responded the users are not known at this time and the property will be replatted as lots are sold.

**Commissioner Lanier made a motion to recommend approval of Preliminary Plat 2017-09. Commissioner Standridge seconded the motion. The motion passed 5-0, Chairman Edwards and Vice-Chairman LeMond absent.**

**ITEM 6:** **PP2017-12** Commission to hear and take action to make a recommendation to City Council regarding Preliminary Plat Application 2017-12—Mr. Jake Long's request, on behalf of J&S Wood Investments, to preliminary plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland stated the applicant requested the item be tabled until the April P&Z meeting. The applicant has obtained letters from the gas well operators and the plat exhibit needs to be updated to reflect the gas wells.

**Commissioner Allen made a motion to table Preliminary Plat 2017-12. Commissioner Berube seconded the motion. The motion passed 5-0, Chairman Edwards and Vice-Chairman LeMond absent.**

**ITEM 7:** **FP2017-11** Commission to hear and consider and take action to make a recommendation to City Council regarding Final Plat Application 2017-11—Mr. Thom Lambert’s request, on behalf of the Corporation for Economic Development of the City of Decatur, to final plat Lots 1-3, Block 1, Eagles Landing Business Park Addition, being a 162.1419-acre tract of land in the S. Brandenburg Survey, Abstract No. 49, the F. Diaz Survey, Abstract No. 254, and the Smith & Merrimam Survey, Abstract No. 785, City of Decatur, Wise County, Texas. A complete legal description of the property is located on the plat exhibit found in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

**Commissioner Standridge made a motion to recommend approval of Final Plat 2017-11. Commissioner Berube seconded the motion. The motion passed 5-0, Chairman Edwards and Vice-Chairman LeMond absent.**

**ITEM 8:** Provide direction on whether or not joint public input workshops on proposed land use amendments to the Downtown Land Use District and the proposed Hale Street Corridor Mixed-Use Land Use District should be held in April: April 16, 2018, AND April 30, 2018.

Planning Director Ragland reminded the Commission the Land Use Amendments were brought to their attention in November 2017. Staff has conducted two (2) public input meetings for the proposed Hale Street Corridor Mixed-Use Land Use District and one (1) public input meeting for the proposed Downtown Land Use District. A second meeting for Downtown is scheduled for Thursday, March 22, 2018. Planning Director Ragland believes the City Council and P&Z should listen to the citizen’s comments. Some of the concerns expressed by the citizens at the public input meetings include traffic increases and future planning. The public needs to be able to voice their concerns.

Commissioner Creswell commented there is fear of the unknown. Commissioner Allen added those who speak in opposition to the proposals will preach the worst case scenario. Planning Director Ragland stated the proposed Hale Street Corridor has had less opposition than the proposed Downtown extension. Staff is surprised with the Downtown opposition. A joint workshop and public input meeting gives the citizens another opportunity to express their thoughts. Several citizens want to know what the City has planned for the future development; however, Planning Director Ragland did indicate that the Long Rangel Master Plan is sorely out of date. The purpose of the proposed Land Use Amendments is long range planning and growth management. The City does not need to wait until growth is upon us to have a plan for growth. Commissioner Allen stated the City of Decatur is going to continue to grow. Commissioner Standridge noted there are not crosswalks on Hale Street and there is currently not a safe place to cross. Commissioner Creswell has heard from citizens that they bought their property for residential use and did not know there was a possibility of it changing from residential to commercial or other more intensive non-residential uses.

**ITEM 9:** New and/or future business items:

- a. April meeting currently has three (3) applications.

Planning Director Ragland stated the item tabled at tonight’s meeting and another project that was submitted earlier in the day will both be on the April agenda bringing the total to five (5) applications.

**The meeting adjourned at 6:42 p.m.**

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Curtis Creswell, Acting Chairman

ATTEST:

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Dedra Denée Ragland, Planning Director



# CITY OF DECATUR, TEXAS

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## STAFF REPORT

*April 3, 2018–Planning & Zoning Commission Meeting*

<b>TO:</b>	<b>Planning &amp; Zoning Commissioners</b>	<b>CASE:</b>	<b>ZC2018-01</b>
<b>FROM:</b>	<b>Dedra D. Ragland, AICP, Planning Director</b>	<b>APPLICANT:</b>	<b>Mark Southard</b>
<b>DATE:</b>	<b>March 15, 2018</b>	<b>REQUEST:</b>	<b>Zoning Change from Single Family-2 (SF-2) Zoning District to Two Family (2F) Zoning District</b>

### Case Notes:

Commission to hear and take action to make a recommendation to City Council regarding Zoning Change Application 2018-01—Mr. Mark Southard's request to amend the zoning map from a Single Family-2 (SF-2) Zoning District to a Two Family (2F) Zoning District on approximately 0.490 acres of land and approximately 0.08 acres to the centerline of S. State Street and 0.08 acres to the centerline of W. Prince Street where adjacent to subject tract. The property is generally located at the southeast corner of S. State Street and W. Prince Street and is more commonly referred to as 1301 S. State Street, Decatur, Texas.

### Legality:

According to the *Texas Local Government Code*, this property can be legally rezoned given proper notice (§211.006(a) and 211.007(c)), public hearings (§211.006 (a)), review and recommendation from the Planning & Zoning Commission (§211.007 (b)) and approval by City Council (§211.007 (b)).

### Analysis:

Applicant: Mark Southard

- Applicant is requesting Two Family (2F) zoning for the purpose of two-family housing. A zoning change to Two Family (2F) is consistent with the current Long Range Master Plan Land Use Map.

Surrounding tracts' zoning include:

- North: Single Family–2 (SF-2)
- South: Single Family–2 (SF-2)
- East: Single Family–2 (SF-2)
- West: Multi-Family (MF)

Surrounding tracts' land uses include:

- North: Medium Density Residential (MDR)
- South: Medium Density Residential (MDR)
- East: Medium Density Residential (MDR)
- West: High Density Residential (HDR)

- Before any development may occur, applicant will have to plat property; and submit a site plan, and building permit and certificate of occupancy applications.
- Nineteen (19) property owners within 200' of the subject area were notified. Staff has received no

responses in favor of, neutral to or opposed to the request.

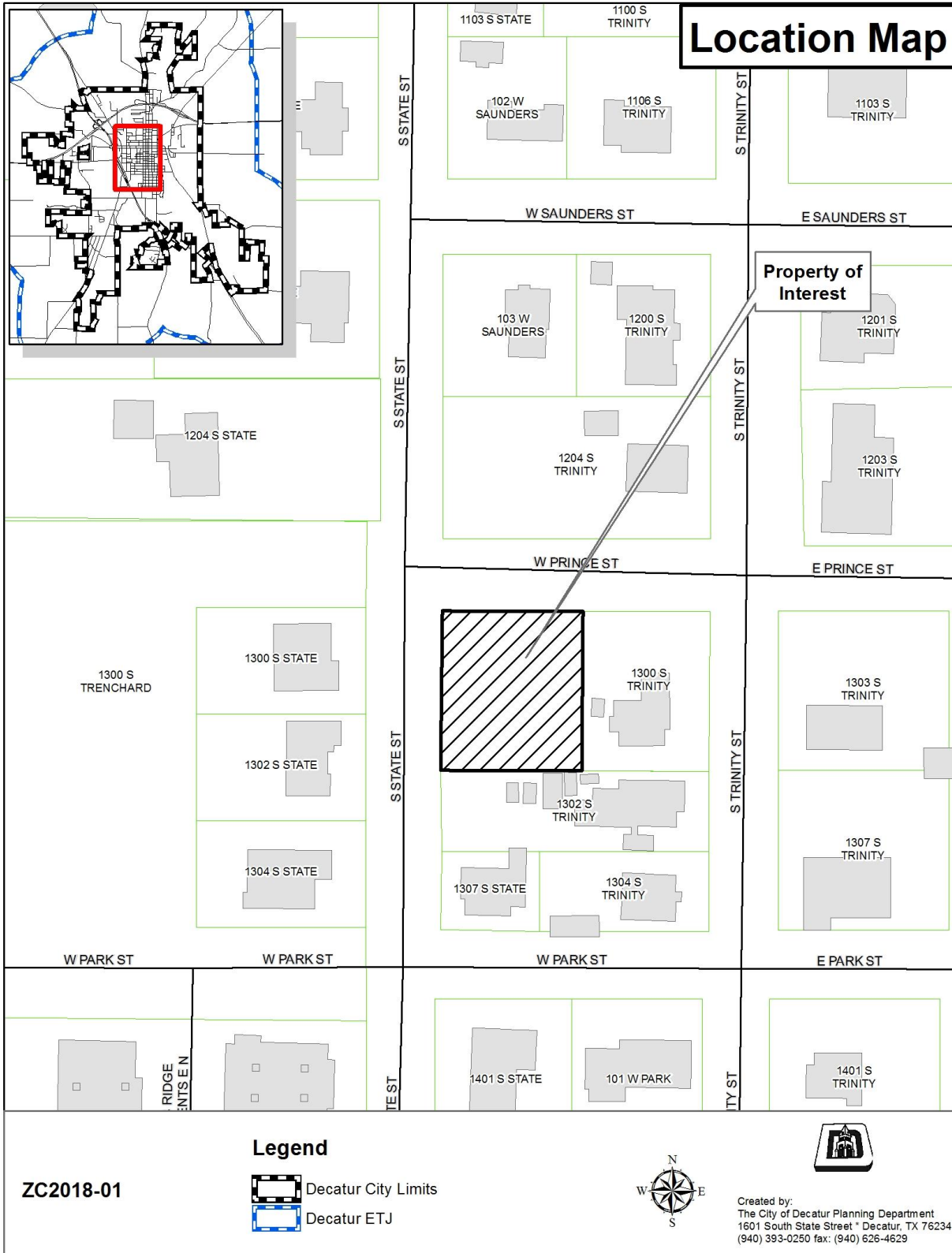
**Recommendation:**

Given that the subject site is located adjacent to a Multi-Family (MF) zoning district and the zoning change request is consistent with the current Long Range Master Plan Land Use Map, staff recommends approval of the Zoning Change.

**Attachments:**

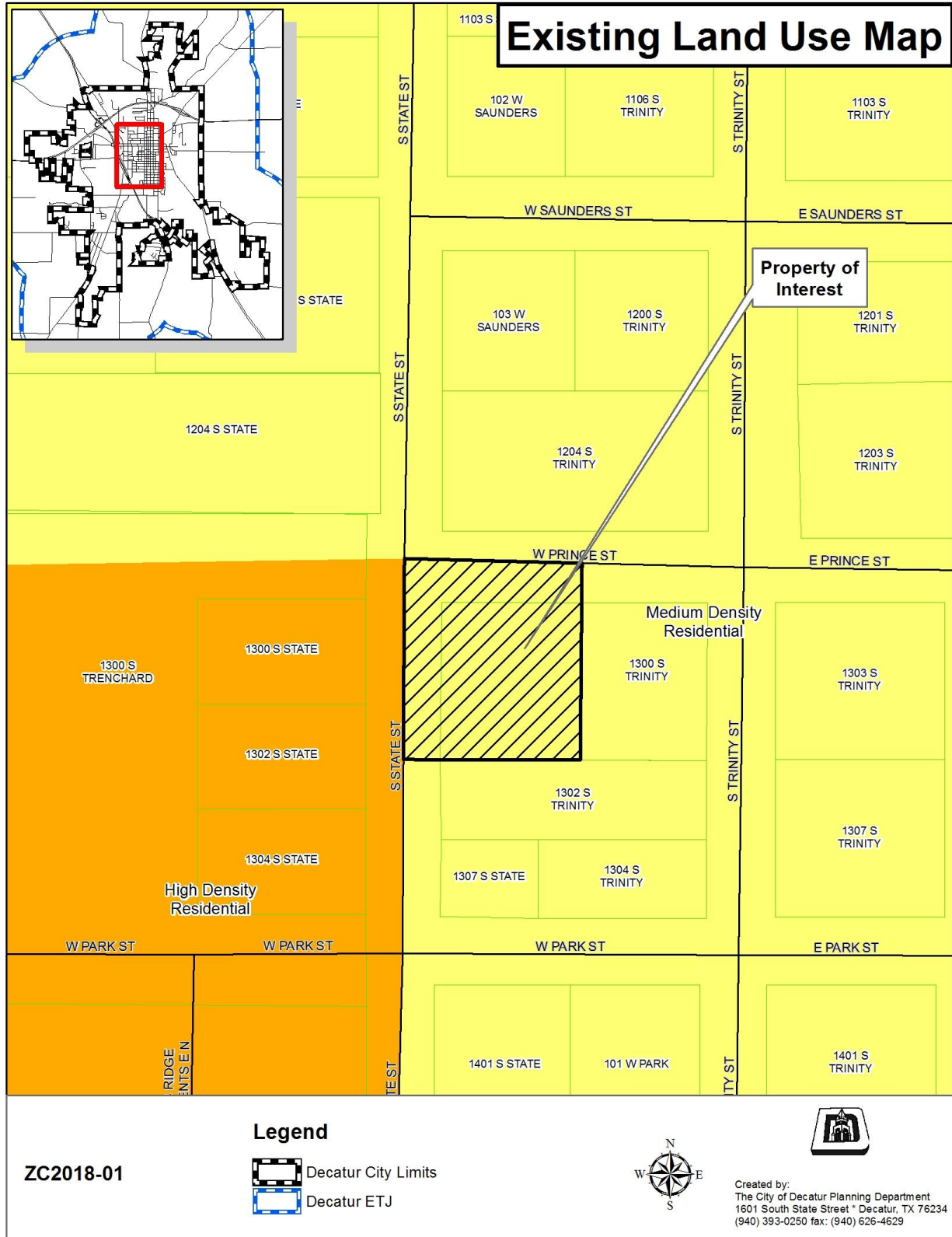
1. Location Map
2. Land Use Map (Existing)
3. Zoning Map (Existing)
4. Zoning Map (Proposed)
5. Permitted Uses
6. 200' Property Owner Response Map
7. Property Owner Responses
8. Draft Ordinance

# Attachment 1 Location Map

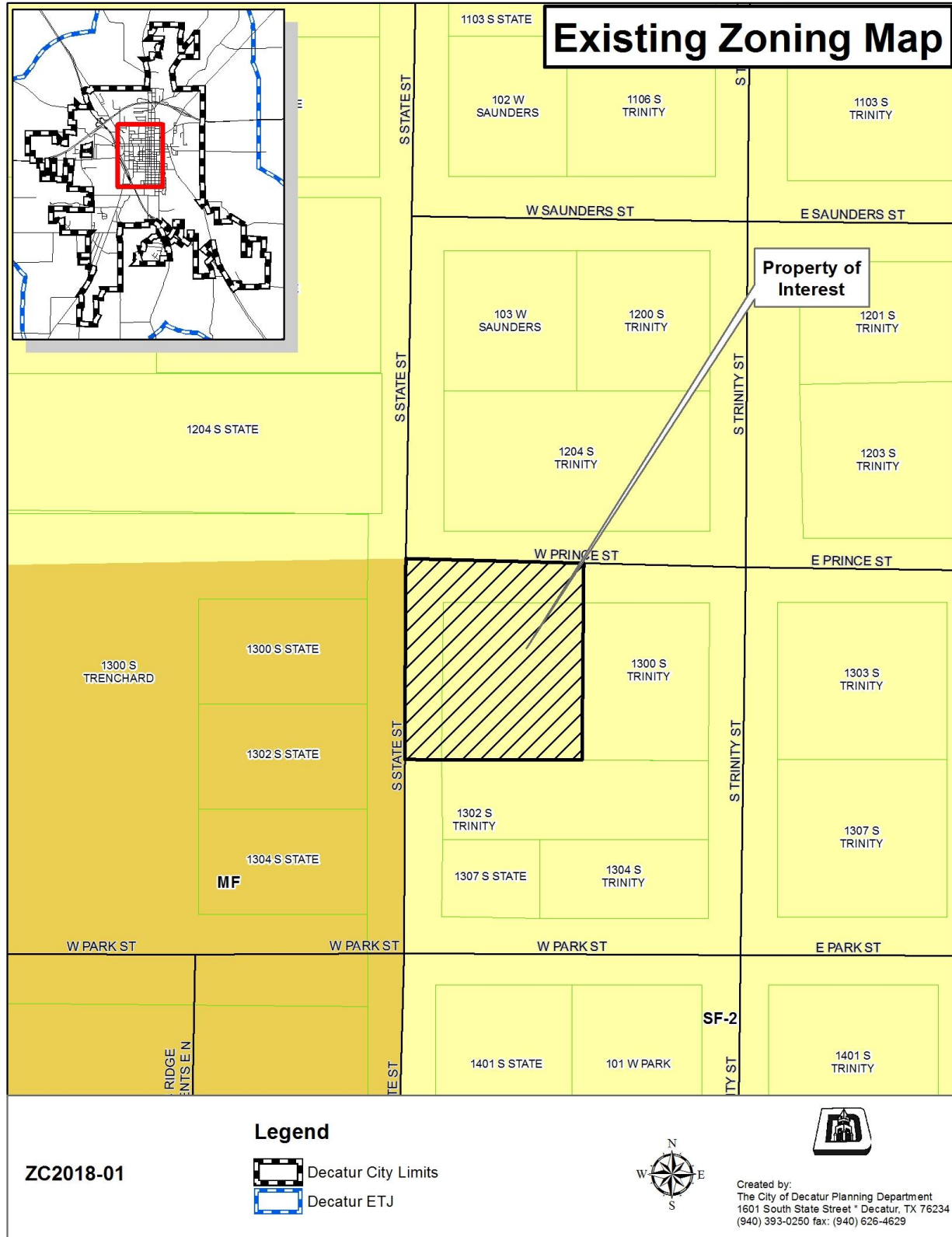


Attachment 2

**Land Use Map (Existing)**

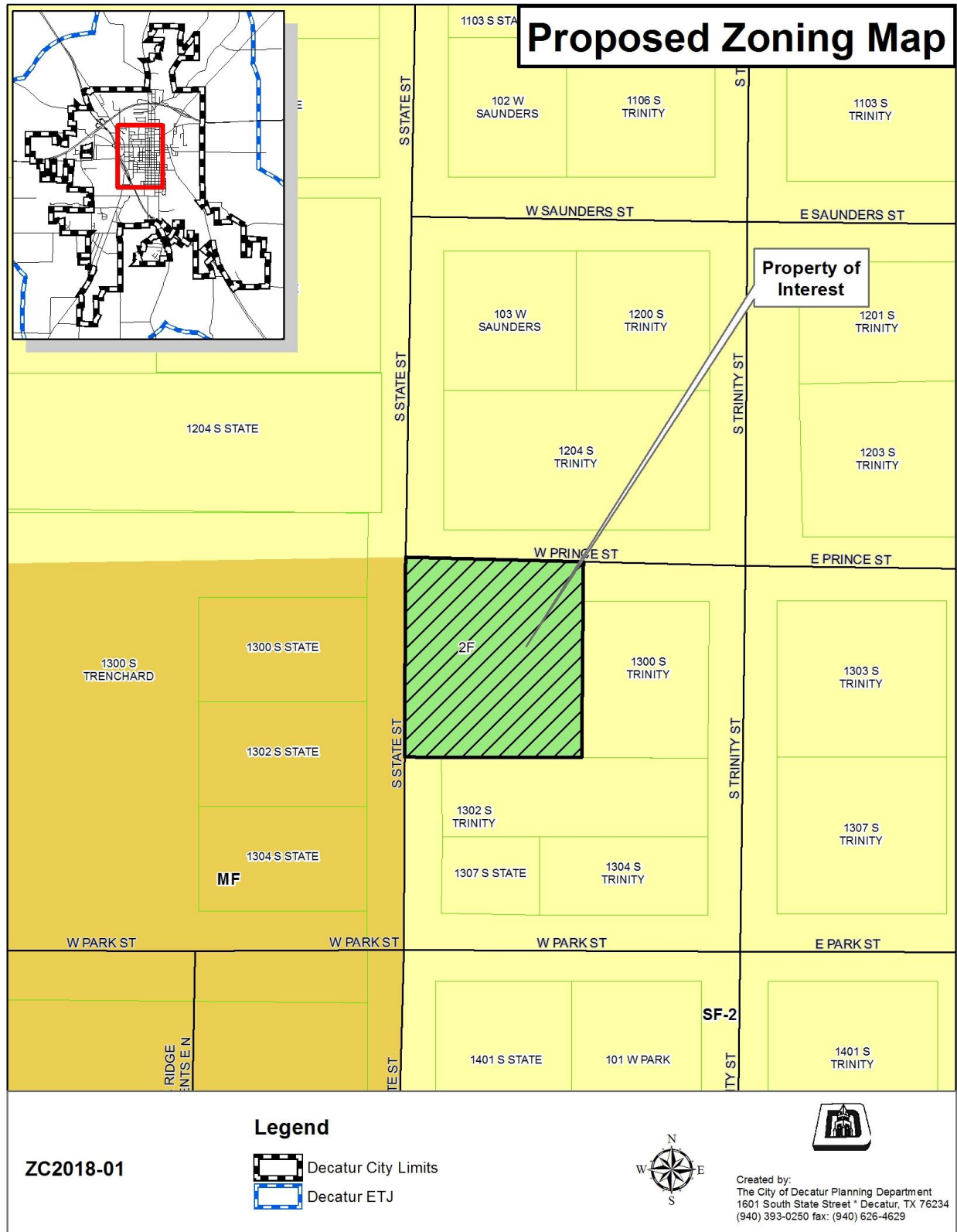


# Attachment 3 Zoning Map (Existing)





Attachment 4  
**Zoning Map (Proposed)**



Attachment 5  
**Permitted Uses**

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Primary Residential Uses														
Dwelling, Accessory	S	S	S	S	S	S		S					S	
Dwelling, Single Family, Detached	•	•	•	•	•	•		•					•	
Dwelling, Single Family, Attached			•	•	•			•		•			•	
Dwelling, Two Family				•	•			•					•	
Dwelling, Multiple Family					•					•			•	
Manufactured Home						•							•	
Boarding or Rooming House								S		•			•	
Bed and Breakfast Inn	S	S	S	S	S			S	S	S			S	•
Hotel or Motel							S		•	•	•		•	•
Loft Apartments					•				•	S				
Caretaker or Security Guard Housing	•	•	•	•	•					•	•	•	•	
Educational, Institutional & Special Uses														
Art Gallery or Museum							S	•	•	•			•	•
Assisted Care or Living Facility				S	S	S	S	S		•			•	
Cemetery or Mausoleum	S	S		S	S	S	S	S		S	•	•	•	
Child-Care: Foster Family Home (Independent)	•	•	•	•	•									
Child-Care: Foster Group Home (Independent)	S	S	S	S	S									
Child-Care: Licensed Child Care Center	S	S	S	S	S		S	S	S	S			S	

Child-Care: Licensed Child-Care Home	S	S	S	S	S			S						
Child-Care: Listed Family Home	S	S	S	S	S			S						
Child-Care: Registered Child-Care Home	S	S	S	S	S			S						
Church, Other Place of Worship, or Rectory	•	•	•	•	•	•	•	•	•	•	•	•	•	•
College or University							•	•		•			•	
Community Center, Public or Community/Social Building	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Community Home	•	•	•	•	•	•	•							
Day Camp		S		S	S	S	S				•	•	•	
Fairground or Exhibition Area										•	•	•	•	
Fraternal Organization or Civic Club Lodge							S	•	•	•	•	•	•	
Hospital, Acute Care					S		•	•		•	•	•	•	
Hospital, Chronic Care					S		S	S		•	•	•	•	
Philanthropic Institutions		S	S	S	S	S	S	S	•	•	•	•	•	
Library, Public	S	S	S	S	S	S	•	•		•	•	•	•	
Monastery or Convent	S	S	S	S	S	S	•	•		•	•	•	•	
Municipal Facility or Use						•	•	•	•	•	•	•	•	•
Rehabilitation Care Home					S	S	S	S		•	•	•	•	
Rehabilitation Care Institution										•	•	•	•	
School, Business or Vocational							S	S	•	•	•	•	•	•
School, Elementary or Secondary	•	•	•	•	•	•	•	•	S	•	•	•	•	•
Utility, Accessory and Incidental Uses														

Accessory Building	•	•	•	•	•	•	•	•		•	•	•	•	
Antenna Tower													•	
Antenna and/or Antenna Support Structure, Commercial (see 6.2.2) <sup>1</sup>							S	S		S	S	S	•	
Antenna and/or Antenna Support Structure, Non-Commercial (see 6.2.2)	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Antenna, Stealth (see 6.2.2)							•	•	•	•	•	•	•	•
Electrical Generating Plant										S	•	•	•	
Electrical Substation	S	S	S	S	S	S	•	•		•	•	•	•	
Field or Construction Office, Temporary	Subject to Approval and Control by Building Inspector													
Home Occupation	•	•	•	•	•	•							•	
Local Utility Distribution Lines	•	•	•	•	•	•	•	•	•	•	•	•	•	
Public Agency Building, Shop, Yard, or Facility			S	S	S	S	S	S	•	•	•	•	•	
Public Safety Building	•	•	•	•	•	•	•	•		•	•	•	•	
Swimming Pool, Private	•	•	•	•	•	•	•	•		•	•	•	•	
Wastewater Treatment Plant										S	•	•	•	
Telephone Line and Exchange, Switching or Relay Station	•	•	•	•	•	•	•	•		•	•	•	•	
Utility Distribution or Transmission Lines	•	•	•	•	•	•	•	•		•	•	•	•	
Water Reservoir, Water Pumping Station or Well	•	•	•	•	•	•	•	•		•	•	•	•	
Water Treatment Plant								S		•	•	•	•	
Recreational and Entertainment Uses														
Amusement, Commercial, Outdoor								S		•	•	•	•	S

Amusement, Commercial, Indoor								•		•	•	•	•	S
Golf Course, Commercial										•	•	•	•	
Golf Course, Private Country Club	S	S	•	S	S	S	•	•		•	•	•	•	S
Golf Course, Public/Municipal	•	•	•	•	•	•	•	•		•	•	•	•	S
Health Club, Indoor							S	•	S	•	•			S
Park or Playground, Private	S	S	•	S	•	•	•	•		•	•	•	•	S
Park or Playground, Public	•	•	•	•	•	•	S	•	•	•	•	•	•	•
Playfield or Stadium, Private							•	•	•	•	•	•	•	
Playfield or Stadium, Public	•	•	•	•	•	•	S	•		•	•	•	•	
Private Club for Alcohol Sales							S	S	S	S	S	S	•	
Recreational Vehicle Campground											•	•	•	
Stable, Commercial										S	•	•	•	
Theater, Drive-In, Outdoor										•	•	•	•	
Theater or Playhouse, Indoor								•	•	•	•	•	•	•
Transportation Related Uses														
Airport, Landing Field, or Heliport								S		•	•	•	•	
Bus Station or Terminal										•	•	•	•	S
Hauling Company										•	•	•	•	
Motor or Railroad Freight Terminal										•		•	•	
Parking Lot, Heavy Load Vehicle							S	S		•	•	•	•	
Parking Lot or Structure, Commercial							S	S	S	•	•	•	•	

Railroad Passenger Station								•	S	•	•	•	•	
Railroad Track or Right-of-Way	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Railroad Team Track											•	•	•	
Automobile and Related Service Uses														
Automobile Accessories and Parts, New Retail Sales								•	•	•	•	•	•	
Automobile Accessories and Parts, Used Retail Sales								•	•	•	•	•	•	
Automobile Dealer, Primarily New Sales							S	S		•	•	•	•	
Automobile Dealer, Primarily Used Sales							S	S		•	•	•	•	
Automobile Repair, Major										•	•	•	•	
Automobile Repair, Minor							S	S		•	•	•	•	
Automobile Wash, Full-Service or Detail Shop										•	•	•	•	
Automobile Wash, Self-Service								S		•	•	•	•	
Convenience Store, without Gasoline Sales								•		•	•	•	•	
Wrecking or Salvage Yard											S	S	S	
Retail and Service Type Uses														
Antique Shop								•	•	•	•	•	•	
Appliance Service and Repair								•	•	•	•	•	•	
Bakery, Retail								•	•	•	•	•	•	
Beer and Wine Sales (Off Premises Consumption Only)								S	S	•	S	S		
Convenience Store								S	S	•	•	•	•	S
Custom Personal Service Shop								•	•	•	•	•	•	•

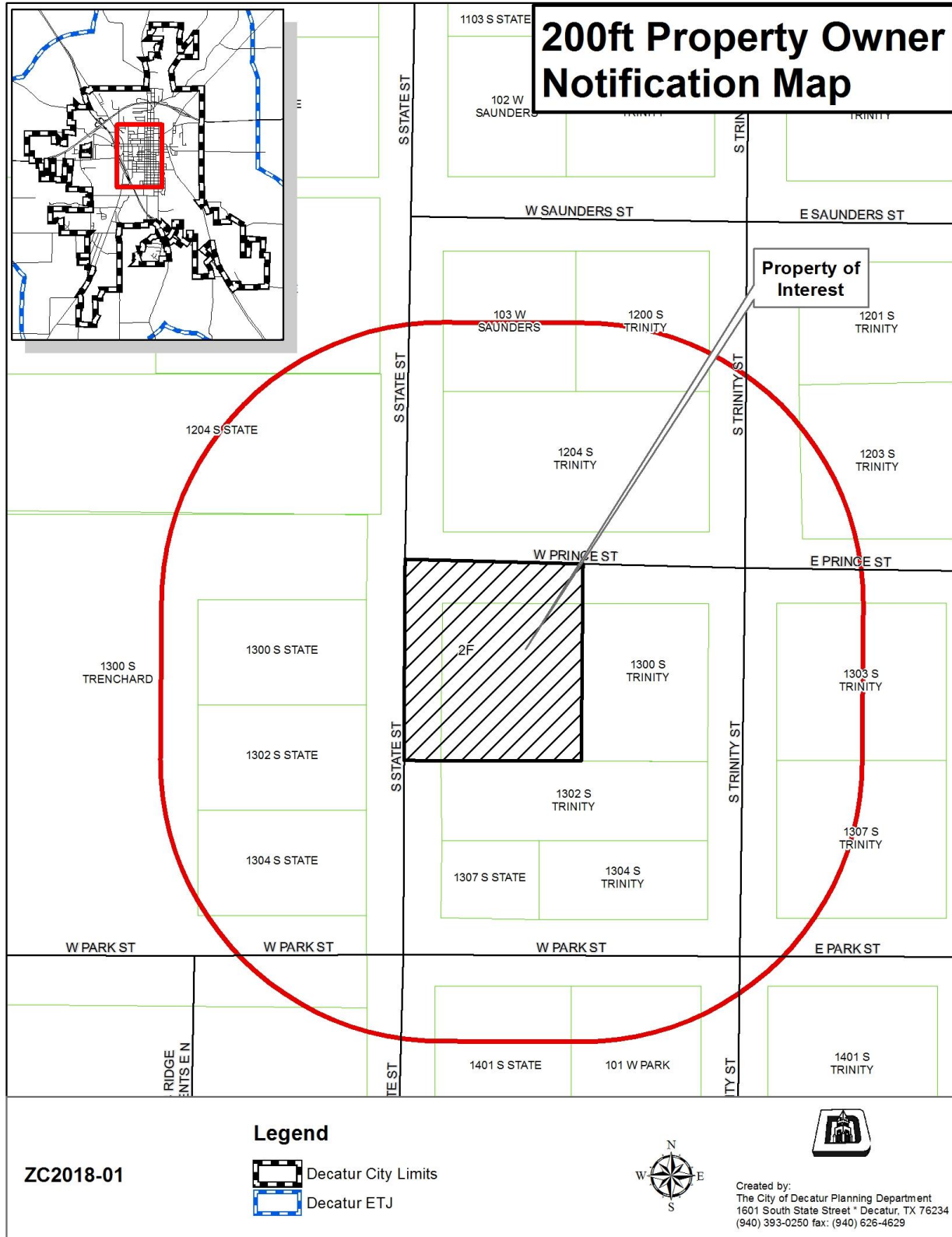
Custom Reprographics, Letter, or Sign Shop								•	•	•	•	•	•	
Funeral Home							S	S		•	•	•	•	
Home Improvement Center								•		•	•	•	•	
Laundromat or Washeteria, Self Service				S				•		•	•	•	•	
Offices, Professional and General Business								•	•	•	•	•	•	
Pawn Shop								S		•	•	•	•	
Permanent Makeup Application (Secondary Use)							S	S	S	•				
Restaurant or Cafeteria								S	•	•	•	•	•	•
Restaurant, with Drive-in Service								S		•	•	•	•	•
Restaurant, with Drive-Thru Service										•	•	•	•	
Retail Stores, General								•	•	•	•	•	•	
Sale of Alcoholic or Mixed Beverages in Restaurants by Food and Beverage Certificate Holders Only								S	S	•	S	S		
Sale of Alcoholic or Mixed Beverages for On-Premises Consumption								S	S	•	S	S		
Sale of Alcoholic Beverages for Off-Premises Consumption; Liquor (Package) Store								S	S	•	S	S		
Studio, Art or Dance								•	•	•	•	•	•	
Tattoo or Body Piercing Studio										•				
Thrift or Secondhand Store									•	•	•	•	•	
Tool and Machinery Rental										•	•	•	•	
Wedding Chapel							S	•	•	•	•	•	•	
Agricultural Type Uses														

Animal Shelter										S	•	•	•	
Farm, Ranch, Crops, or Orchard								•		•	•	•	•	
Hatchery, Poultry (Commercial)												S		
Nursery								S		•	•	•	•	
Veterinarian Clinic or Kennels, Indoor Pens Only								S		S	•	•	•	
Veterinarian Clinic or Kennels, Outdoor Pens										S	•	•	•	
Commercial Type Uses														
Bakery, Wholesale										•	•	•	•	
Boat, Motorcycle, or ATV Sales (New)										•	•	•	•	
Building Materials Sales								•		•	•	•	•	
Cabinet and Upholstery Shop										•	•	•	•	
Clothing Manufacture or Light Compounding or Fabrication										S	S	•	•	
Contractors Shop, Outside Storage Yard											S	•	•	
Dairy Plant										•		•	•	
Feed Store and Grain Store or Farm Supply Store										•	•	•	•	
General Commercial Facility										•	•	•	•	
Heavy Machinery Sales and Service								S		•	•	•	•	
Laboratory, Scientific or Research								S		•	•	•	•	
Laundry Plant, Commercial										•		•	•	
Paint Shop										•	•	•	•	
Petroleum Distribution or Storage										S		•	•	





Attachment 6  
**200' Property Owner Notification Map**



Attachment 7  
**Property Owner Responses**

**None to Date**

Attachment 8  
**Draft Ordinance**

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF DECATUR, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DECATUR, GRANTING ZONING TO A TWO FAMILY (2F) ZONING DISTRICT ON APPROXIMATELY 0.490 ACRES OF LAND AND APPROXIMATELY 0.08 ACRES TO THE CENTERLINE OF S. STATE STREET AND 0.08 ACRES TO THE CENTERLINE OF W. PRINCE STREET. THE PROPERTY IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. STATE STREET AND W. PRINCE STREET AND IS MORE COMMONLY REFERRED TO AS 1301 S. STATE STREET, DECATUR, TEXAS. A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY CAN BE FOUND IN EXHIBIT "A". (ZC2018-01)**

**WHEREAS**, the current zoning of the tract of land illustrated in the attached Exhibit "A" is Single Family Residential-2 (SF-2); and

**WHEREAS**, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, requesting that the current zoning be Two Family (2F) Zoning as illustrated and described in the attached Exhibit "A" and in conformance with the Medium Density Residential (MDR) land use designation; and

**WHEREAS**, said application has been properly heard by the Planning and Zoning Commission of the City of Decatur, Texas, as required by State statutes and the Zoning Ordinance of said City; and

**WHEREAS**, said Planning and Zoning Commission has made recommendation that the zoning classification as requested be APPROVED, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

**WHEREAS**, the City Council of the City of Decatur, Texas, at a called public hearing did consider all appropriate factors in determining whether to grant such request; and

**WHEREAS**, the City Council of the City of Decatur, Texas does find that the request is in the public interest and that the zoning classification does not unreasonably invade the rights of adjacent property owners;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR TEXAS:**

**SECTION 1.** The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended in that the use of the properties described upon the attached Exhibit "A" (which Exhibit is made a part hereof for all purposes) is hereby assigned a Two Family (2F) zoning classification.

**SECTION 2.** The Planning Director is hereby directed to correct the official zoning map of the City

of Decatur, Texas, to reflect the herein change in zoning.

**SECTION 3.** In all other respects, the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Decatur Zoning Ordinance, and all other applicable and pertinent ordinances of the City of Decatur, Texas.

**SECTION 4.** This ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 5.** This ordinance shall take effect on its final passage, and it is so ordained.

**PRESENTED ON FIRST READING THIS 9<sup>TH</sup> DAY OF APRIL, 2018**

**PRESENTED ON SECOND READING AND APPROVED THIS 23<sup>RD</sup> DAY OF APRIL, 2018 BY A  
VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS, \_\_\_\_ ABSTENTIONS, AT A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.**

**APPROVED:**

---

Martin B. Woodruff, MAYOR

**ATTEST:**

---

Diane Cockrell, TRMC, CITY SECRETARY

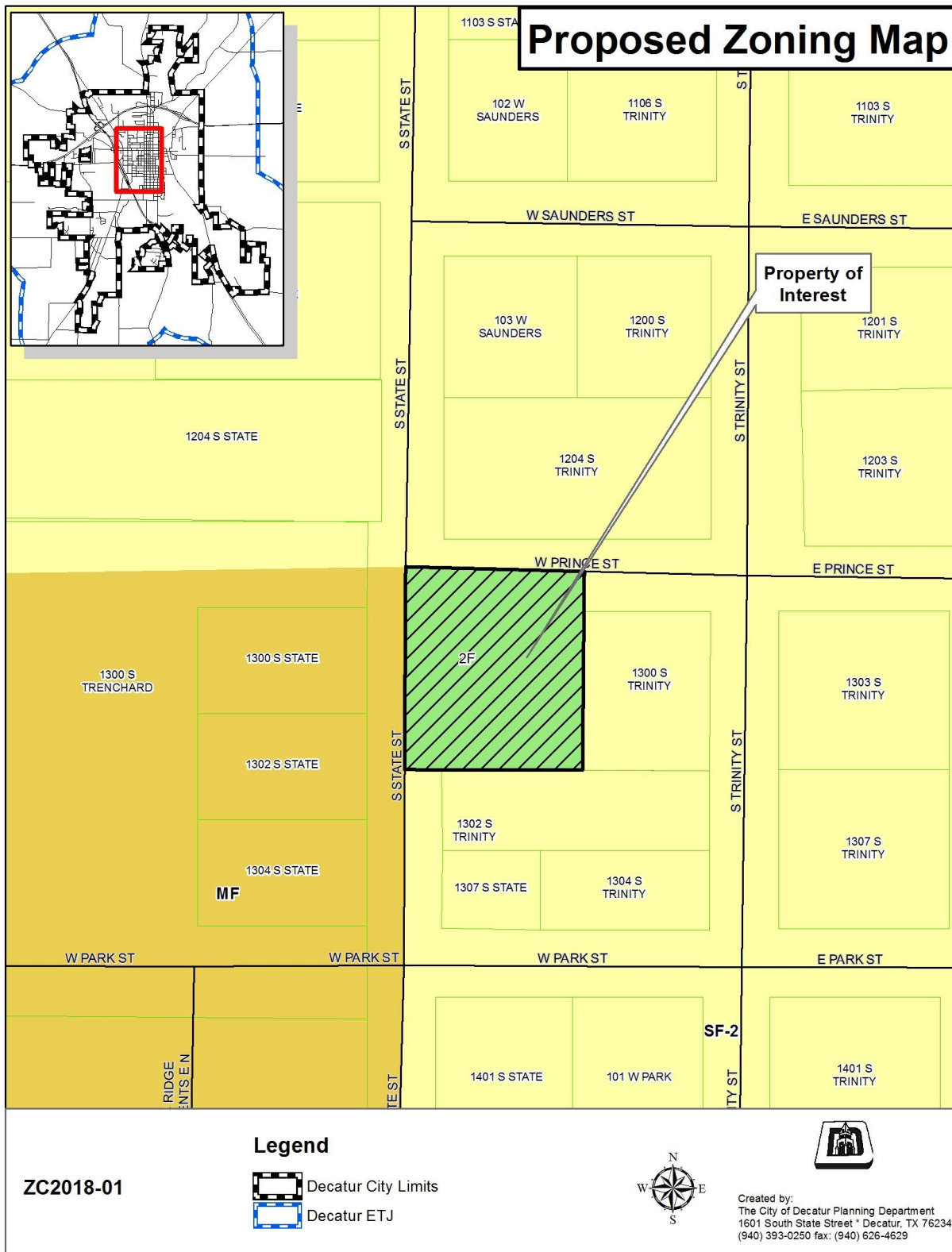
**APPROVED AS TO CONTENT AND FORM:**

---

Mason L. Woodruff, CITY ATTORNEY

# EXHIBIT "A"

## Proposed Zoning Map and Legal Description



## FIELD NOTES

Being a 0.490 acre tract in the City of Decatur, Wise County, Texas, being Lot No. 1, Block 79, South Decatur Addition, a subdivision in the City of Decatur, and being the same land conveyed to Southard Holdings, LLC, described in Clerk's File Number 201612069, Official Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the South right-of-way of Prince Street and the East right-of-way of State Street for the Northwest corner of said Lot 1 and said Block 79, South Decatur Addition, according to the plat recorded in Volume 8, Page 842, Deed Records, Wise County, Texas; THENCE South 89°48'29" East with said South right-of-way a distance of 190.04 feet to a x-cut found in the West right-of-way of Trinity Street for the Northeast corner of said Lot 1 and said Block 79;

THENCE South 00°36'00" West with the West right-of-way of Trinity Street a distance of 112.52 feet to a ½" iron rod found for the Southeast corner of said Lot 1 and the Northeast corner of Lot 2-1R, Block 79, South Decatur Addition, according to the plat recorded in Plat Cabinet C, Slide 141, Plat Records, Wise County, Texas;

THENCE North 89°45'31" West a distance of 189.74 feet to a ½" iron rod found in the East right-of-way of said State Street for the Southwest corner of said Lot 1 and the Northwest corner of said Lot 2-1R;

THENCE North 00°26'50" East with the East right-of-way of said State Street a distance of 112.35 feet to the POINT OF BEGINNING and containing 0.490 acres of land.





# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Agenda Item 3

## STAFF REPORT

*April 3, 2018–Planning and Zoning Commission Meeting*

**TO:** Planning and Zoning Commissioners

**CASE:** PP2017-12

**FROM:** Dedra D. Ragland, AICP, Planning Director

**APPLICANT:** Jake Long, on behalf of J & S Wood Investments

**DATE:** February 22, 2018

**REQUEST:** Preliminary Plat Application

### Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Preliminary Plat Application 2017-12—Mr. Jake Long's request, on behalf of J & S Wood Investments, to preliminary plat Lots 1 & 2, Block 1, West Decatur Hill Addition, being a 28.41 acre tract of land in the G. M. Vigil Survey, Abstract No. 857, City of Decatur, Wise County, Texas. A complete legal description is found on the plat exhibit in this staff report.

### Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

### Issues:

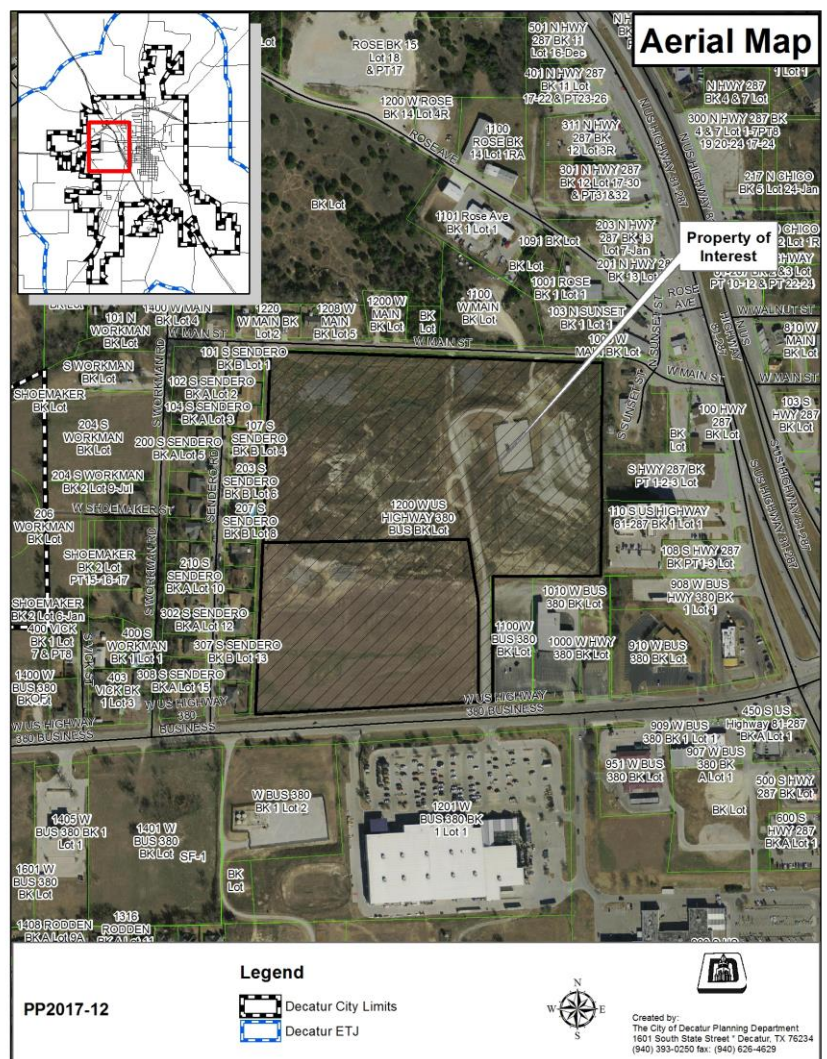
None.

### Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

### Attachment:

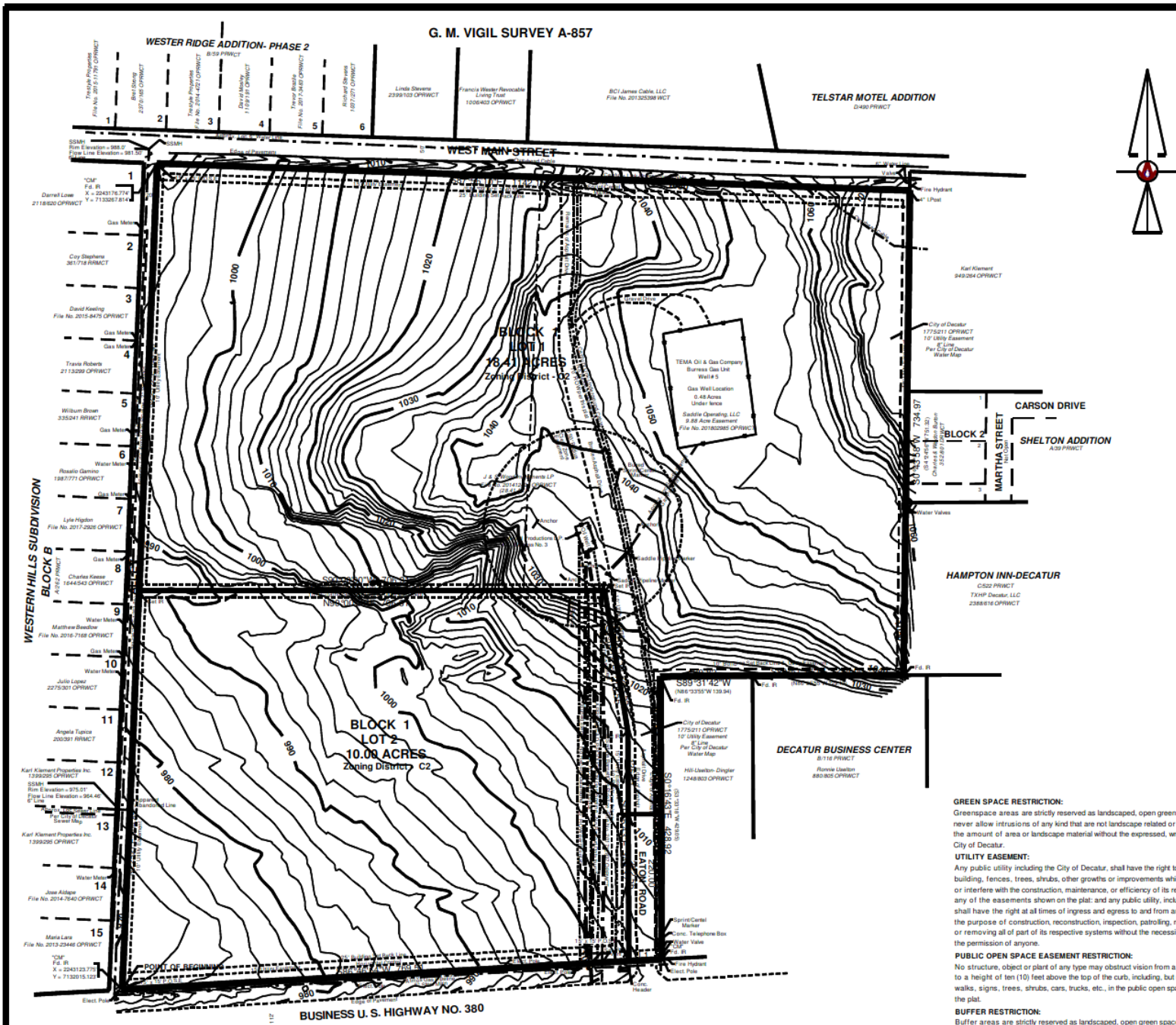
1. Preliminary Plat Exhibit



## LOCATION MAP



ATTACHMENT 1  
Preliminary Plat Exhibit



LEGEND:

( ) = Record Call

SSMH = Sanitary Sewer Man Hole

"CM" = Control Monument

Set IR = Set 5/8" iron rod with cap marked "Walters Surveying"

P.O.S.E = Public Open Space Easement

LINE	DISTANCE	BEARING
L1	50.07	S86°46'53"W

CONTROL SOURCE:

Coordinate data and bearing source shown hereon is based on the City control network. This data is relative to the Texas Coordinate System NAD83 North Central Texas Zone utilizing GPS monument Reference No. 10 and Reference No. 11, bearing control combined scaled factor is 1.0016. All distances and coordinates shown are based on U. S. feet

Bearings based on State Plane Coordinates - North Central Texas Zone 4202

CONTROL MONUMENTS:

Monument Reference No. 10  
X = 2243328.57  
Y = 7134585.85

Monument Reference No. 11  
X = 2248363.44  
Y = 7133397.37

Use Designation Zoning District C2 - Commercial

Land Use:

Total Area : 28.41 Acres  
Lot 1 : 18.41 Acres  
Lot 2 : 10.00 Acres

OWNER:

J & S Wood Investments  
P O Box 806  
Decatur, Texas 76234  
(817) 996-9985

Proposed:

Water Usage: 54gpm  
Waste: 16.5 gpm

DEVELOPER:

Orcscheln Farms & Home LLC  
2000 U. S. Hwy 63 South  
P O Box 280  
Moberly, Mo. 65270  
(660) 269-4543

According to the Flood Hazard Boundary Map 48487C0350 D dated December 16, 2011 provided by the Federal Emergency Management Agency the area depicted on this plat is in Zone X "Areas determined to be outside 0.2% annual chance flood plain".

STATE OF TEXAS }  
COUNTY OF WISE }

OWNERS ACKNOWLEDGEMENT

INDIFICATION

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

A 28.41 acre tract of land in the G. M. Vigil Survey A-857, City of Decatur, Wise County, Texas and being the same tract of land described in deed to J & S Wood Investments, L.P., recorded in File No. 201412424, Wise County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the north right of way of Business U. S. Highway No. 380 for the southeast corner of the Western Hills Subdivision to the City of Decatur, Wise County, Texas according to the plat of same recorded in Cabinet A, Slide 262, Plat Records, Wise County, Texas and for the southwest corner of said Wood tract;

THENCE North 02°25'21" East 1253.81 feet to an iron rod found in the south line of West Main Street for the northeast corner of said Western Hills Subdivision and for the northwest corner of said Wood tract;

THENCE South 87°56'10" East with the south line of said West Main Street 1142.15 feet to a four inch iron post in the west line of a tract of land described in deed to Karl Klement recorded in Volume 948, Page 264, Official Public Records, Wise County, Texas and for the northeast corner of said Wood tract;

THENCE South 00°43'58" West 734.97 feet to an iron rod found in the north line of a tract of land described as the Decatur Business Center to the City of Decatur, Wise County, Texas according to the plat of same recorded in Cabinet B, Slide 116, Plat Records, Wise County, Texas for the southwest corner of a tract of land described as the Hampton Inn - Decatur to the City of Decatur, Wise County, Texas according to the plat of same recorded in Cabinet C, Slide 522, Plat Records, Wise County, Texas and for the most easterly southeast corner of said Wood tract;

THENCE South 89°51'27" West 229.00 feet to an iron rod found for the northeast corner of a tract of land described in deed to Hill-Ussellton-Dingler recorded in Volume 1296, Page 1803, Official Public Records, Wise County, Texas and for the northwest corner of said Decatur Business Center tract;

THENCE South 89°31'42" West 139.82 feet to an iron rod found for an inner corner of said Wood tract and for the northwest corner of said Hill-Ussellton-Dingler tract;

THENCE South 00°16'43" East 428.92 feet to an iron rod found in the north right of way of said Business Highway No. 380 for the southwest corner of said Hill-Ussellton-Dingler tract and for the most southerly southeast corner of said Wood tract;

THENCE South 86°46'54" West with the north right of way of said Business Highway No. 380 a distance of 819.57 feet to the POINT OF BEGINNING;

and designated herein as LOT 1 AND LOT 2 BLOCK 1 - WEST DECATUR HILL SUBDIVISION to the City of Decatur, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, right-of-way and public places thereon shown for the purpose and consideration therein expressed.

Owner: \_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF WISE }

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public: \_\_\_\_\_  
County, Texas.

DRAINAGE EASEMENT RESTRICTION:

No construction or filing, without the written approval of the City of Decatur shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation.

Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute subsequent approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Decatur's Subdivision Ordinance, Design Standards and Comprehensive Master Drainage Plan.

FLOODWAY EASEMENT RESTRICTION:

No construction, without the written approval of the City of Decatur, shall be allowed within a floodway easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation.

LANDSCAPE RESTRICTION:

Landscape areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscaped related or that in any way lessen the amount of area or landscape material without the expressed, written permission of the City of Decatur.

THE PLANNING AND ZONING COMMISSION OF DECATUR, TEXAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 VOTED AFFIRMATIVELY TO RECOMMEND CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT, SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 VOTED AFFIRMATIVELY TO CONDITIONALLY APPROVE PREPARATION OF A FINAL PLAT SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY SECRETARY

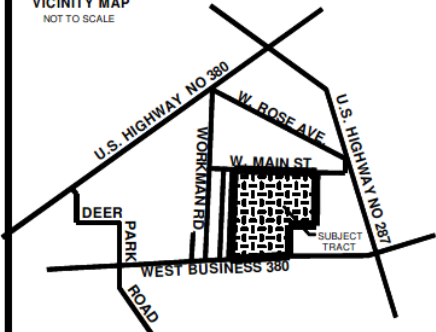
STATE OF TEXAS }  
COUNTY OF WISE }

CERTIFICATE OF SURVEYOR

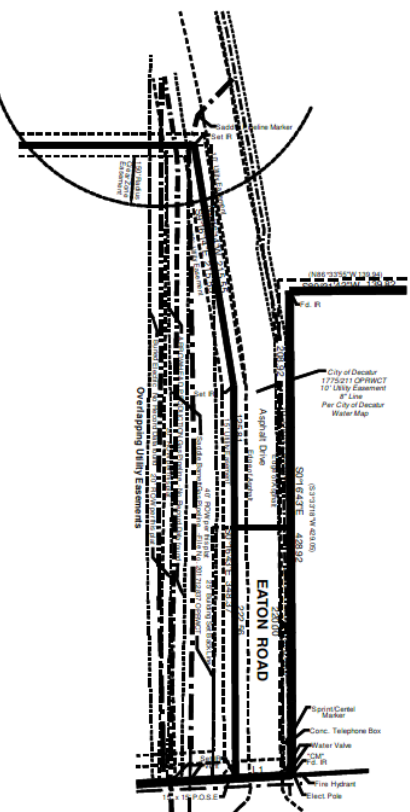
I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Patrick L. Walters  
Registered Professional Land Surveyor  
No. 4614

VICINITY MAP  
NOT TO SCALE



DETAIL  
NOT TO SCALE



"PRELIMINARY PLAT"

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

LOT 1 AND LOT 2 - BLOCK 1  
WEST DECATUR HILL SUBDIVISION

BEING 28.41 ACRES IN THE  
G. M. VIGIL SURVEY A-857

SCALE: 1" = 100'  
DATE: 09-10-2017  
WALTERS LAND SURVEYING COMPANY  
REGISTERED PROFESSIONAL LAND SURVEYORS  
P.O. BOX 1166 BOWIE, TEXAS  
DRAWN BY: C. L. W.  
JOB NO: 0614-2301

CITY OF DECATUR - WISE COUNTY - TEXAS

SURVEY DATE: 09-01-2017 FB 2  
FIRM NO: 101306-00  
OFFICE PHONE: (840) 872-4718





# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Agenda Item 4

## STAFF REPORT

*April 3, 2018–Planning & Zoning Commission Meeting*

**TO:** Planning & Zoning Commissioners

**CASE:** PP2018-01

**FROM:** Dedra D. Ragland, AICP, Planning Director

**APPLICANT:** Kelly Garrett, on behalf of JRJ Wood, LP

**DATE:** March 15, 2018

**REQUEST:** Preliminary Plat Application

### Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Preliminary Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to preliminary plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description is found on the plat exhibit in this staff report.

### Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

### Issues:

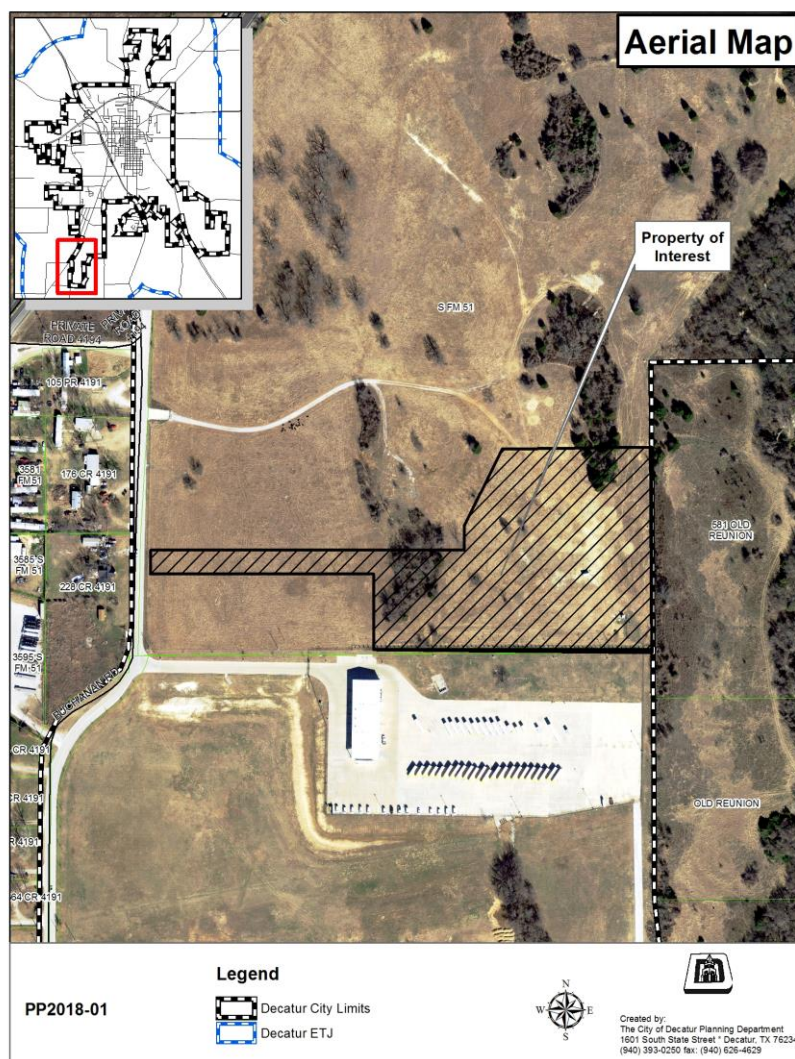
None.

### Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

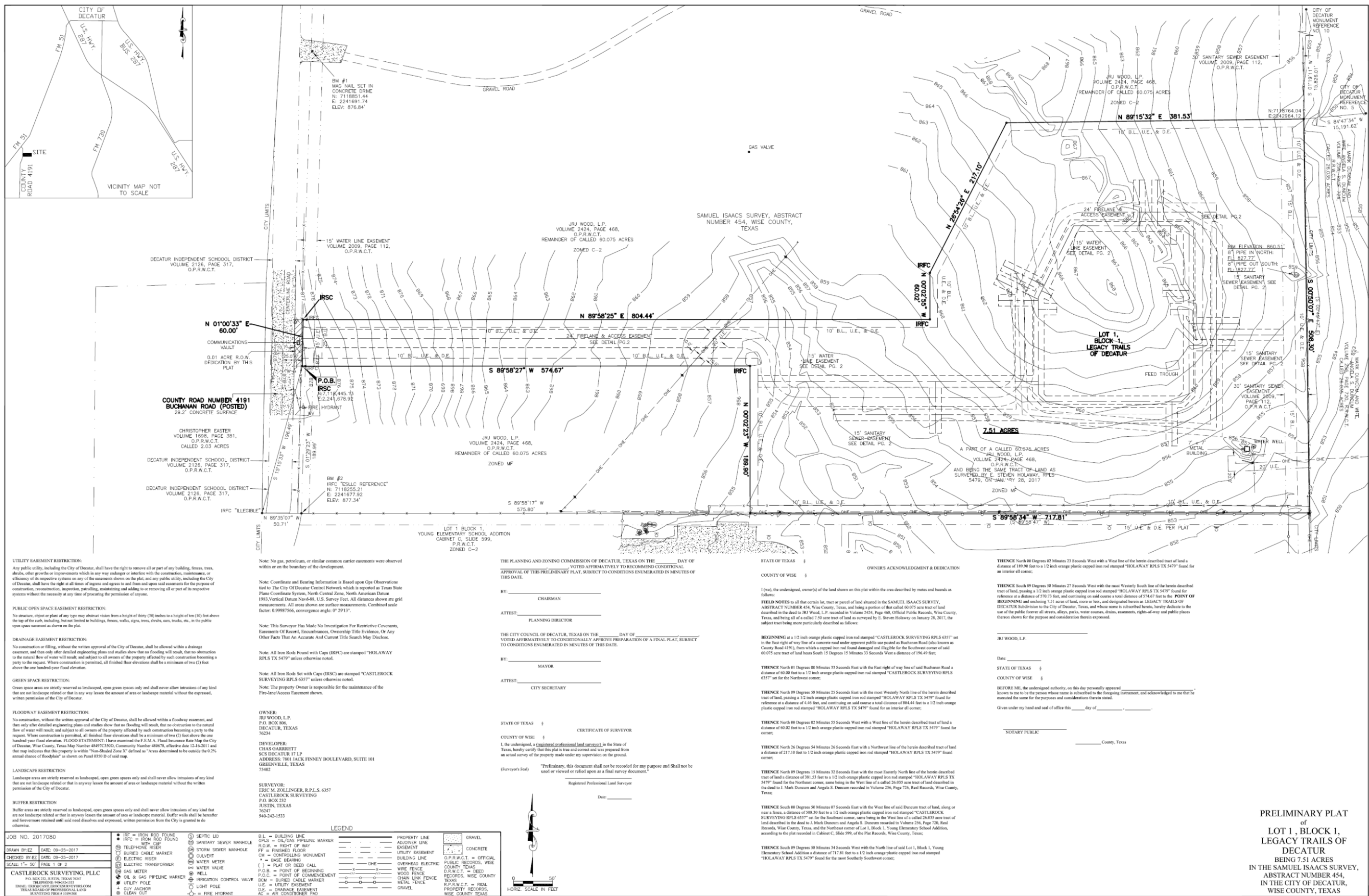
### Attachment:

1. Preliminary Plat Exhibit

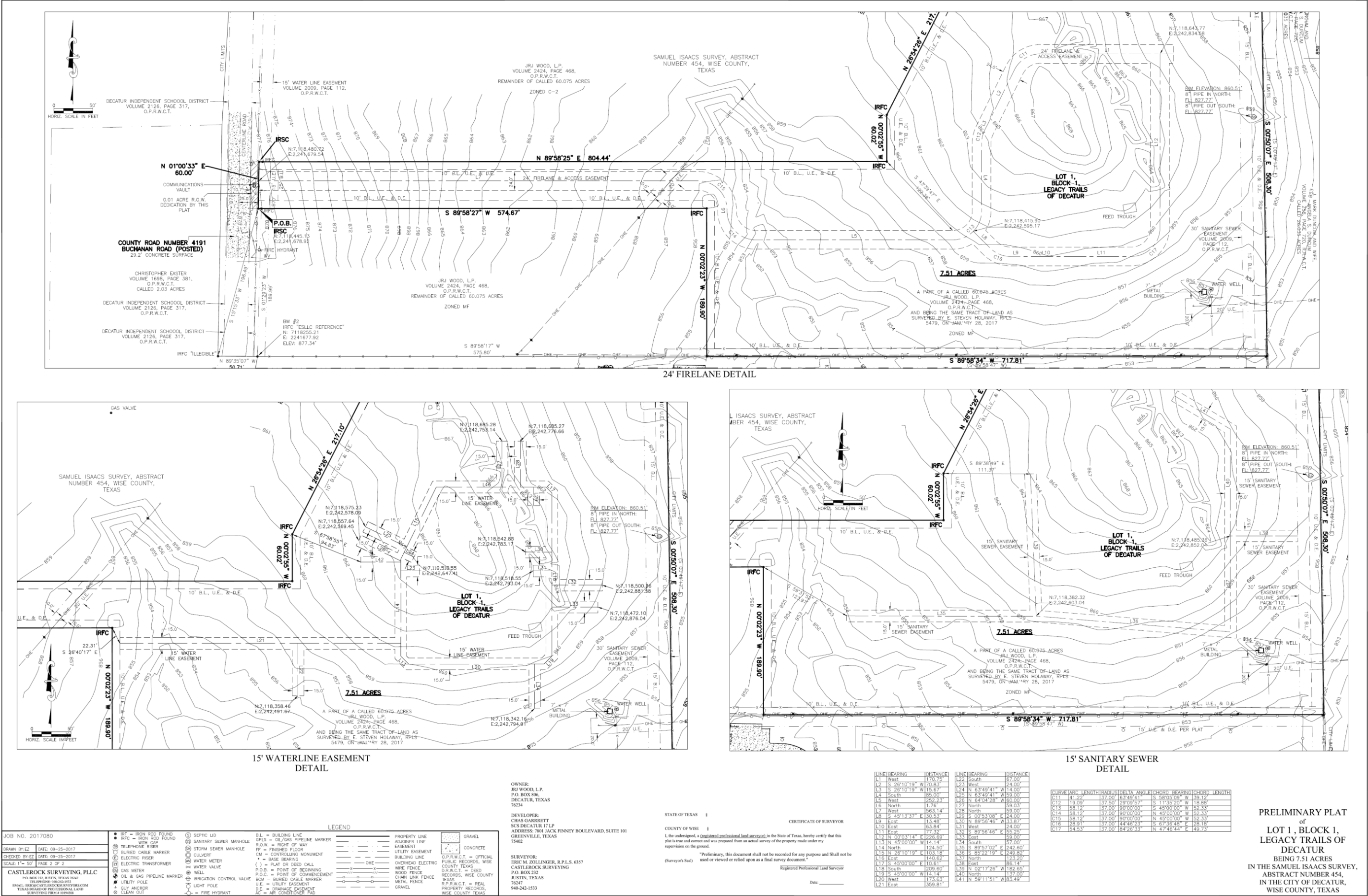


### LOCATION MAP

**ATTACHMENT 1**  
Preliminary Plat Exhibit









# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Agenda Item 5

## STAFF REPORT

*April 3, 2018–Planning & Zoning Commission Meeting*

**TO:** Planning & Zoning Commissioners

**CASE:** FP2018-01

**FROM:** Dedra D. Ragland, AICP, Planning Director

**APPLICANT:** Kelly Garrett, on behalf of  
JRJ Wood, LP

**DATE:** March 15, 2018

**REQUEST:** Final Plat Application

### Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Final Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to preliminary plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description is found on the plat exhibit in this staff report.

### Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

### Issues:

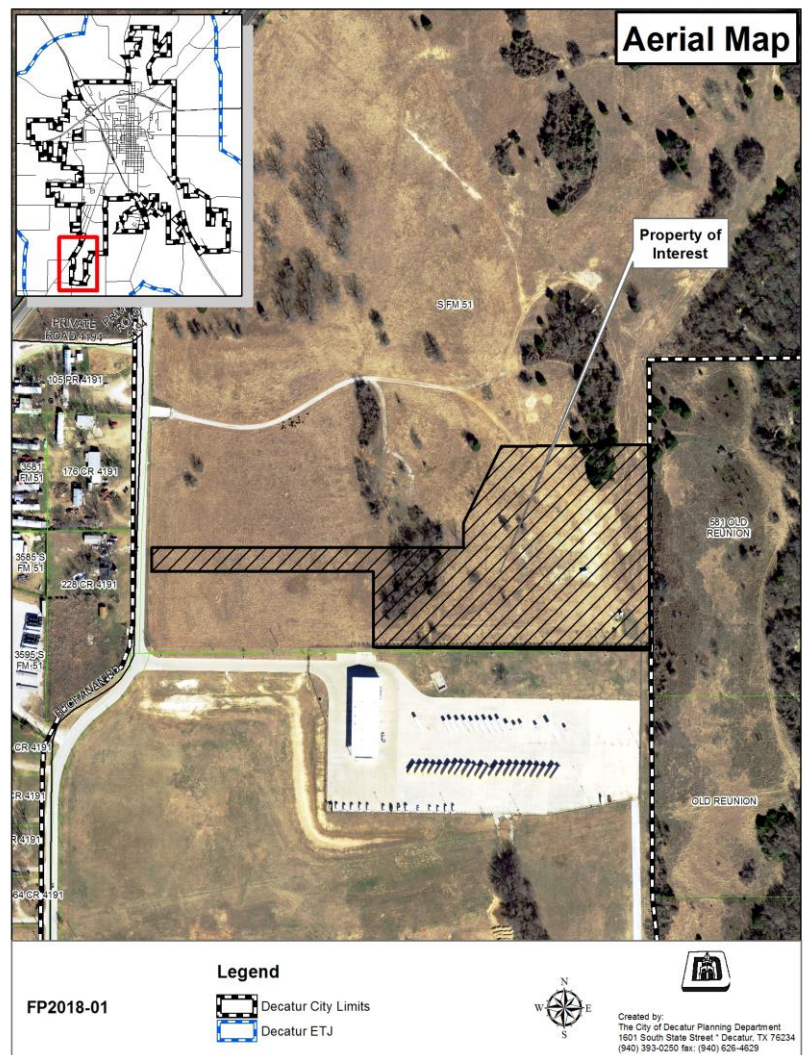
None.

### Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

### Attachment:

1. Final Plat Exhibit

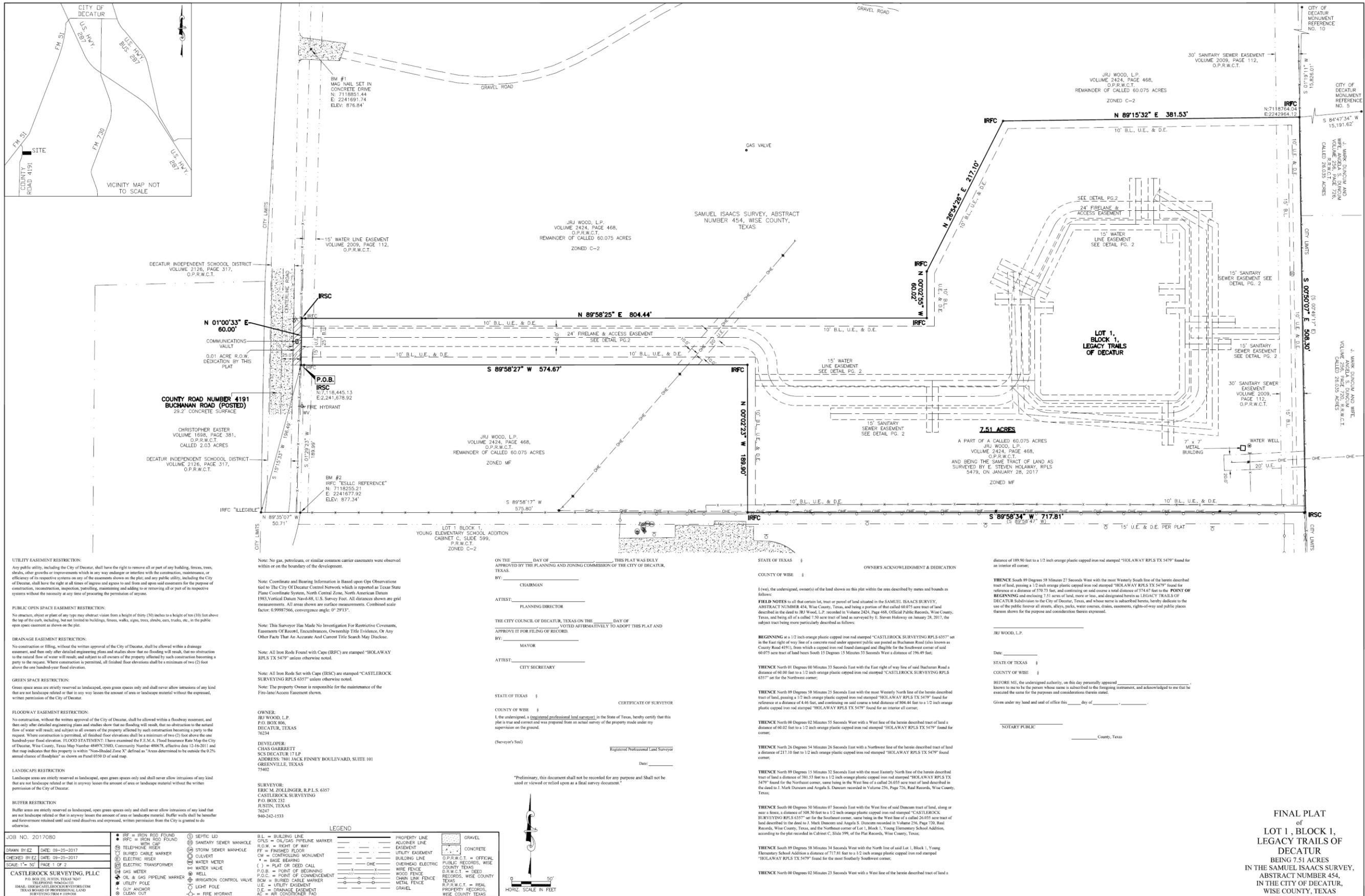


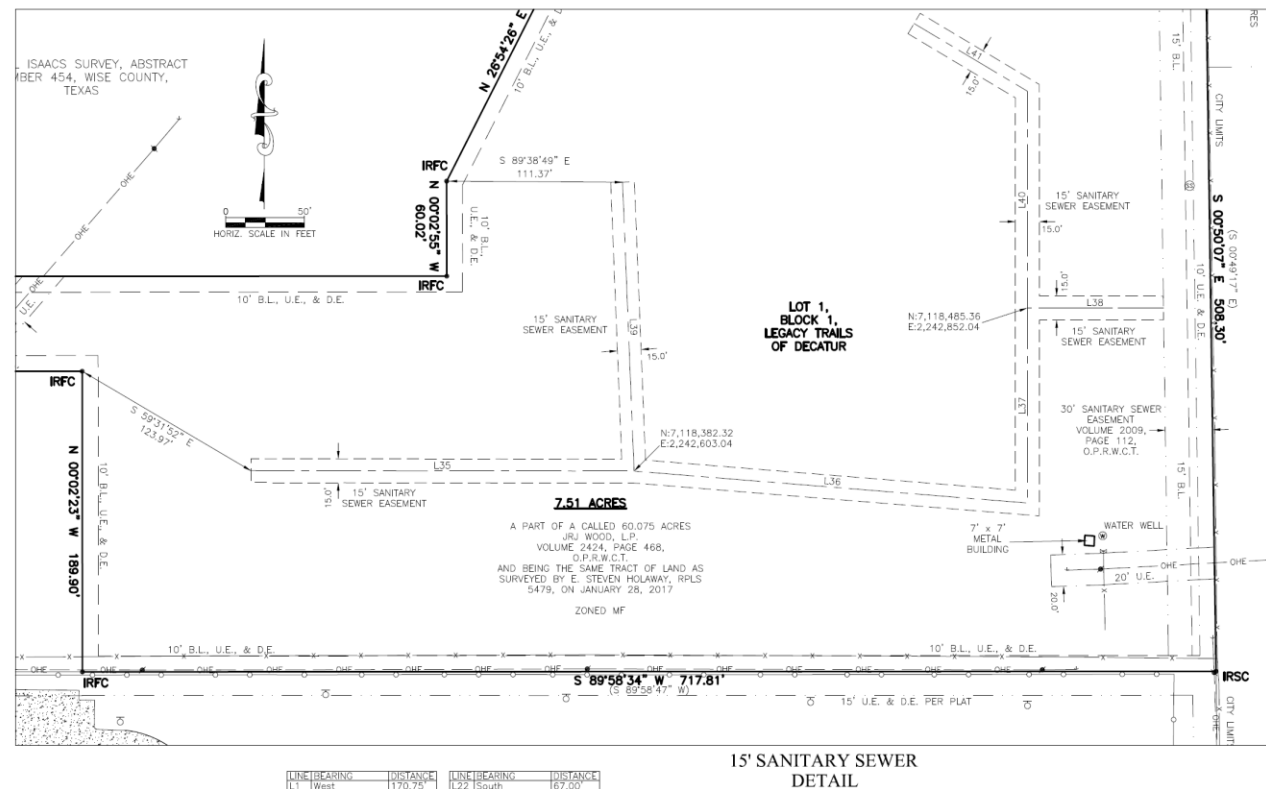
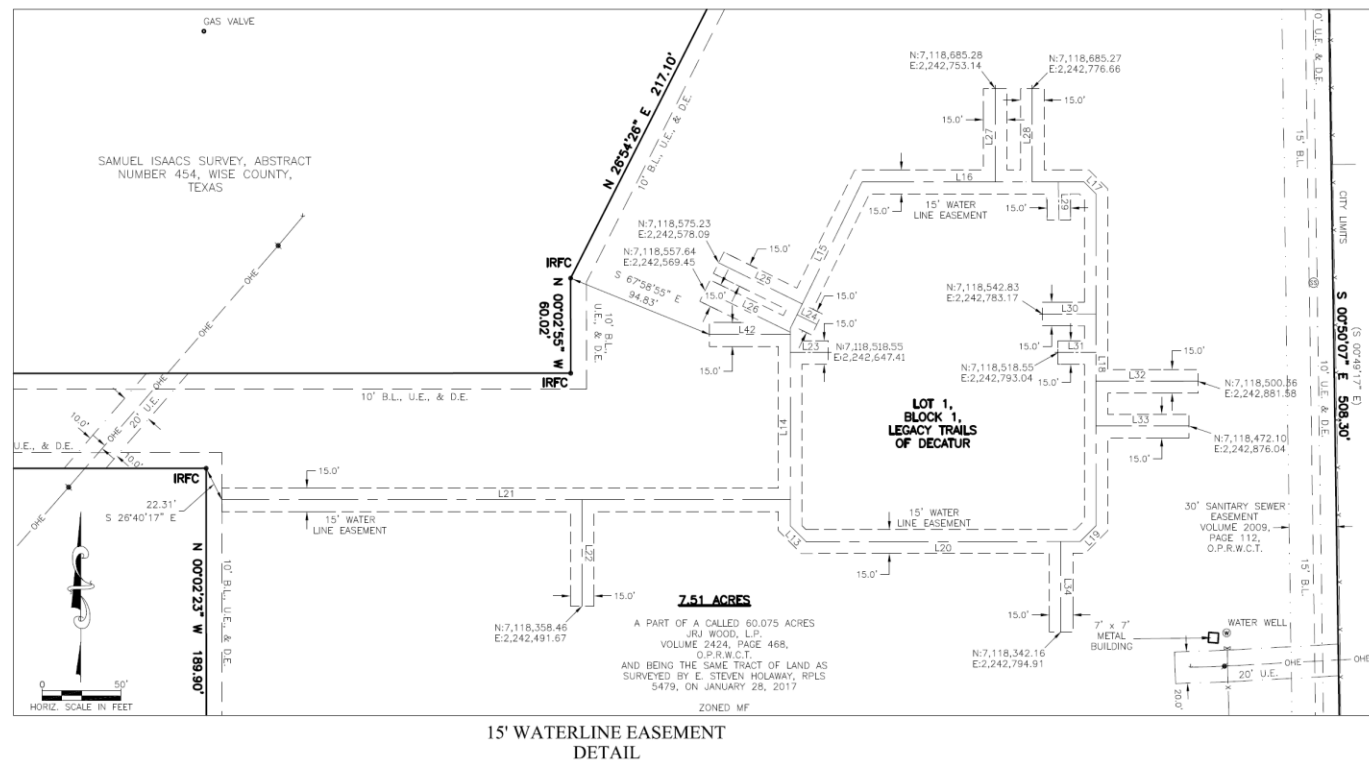
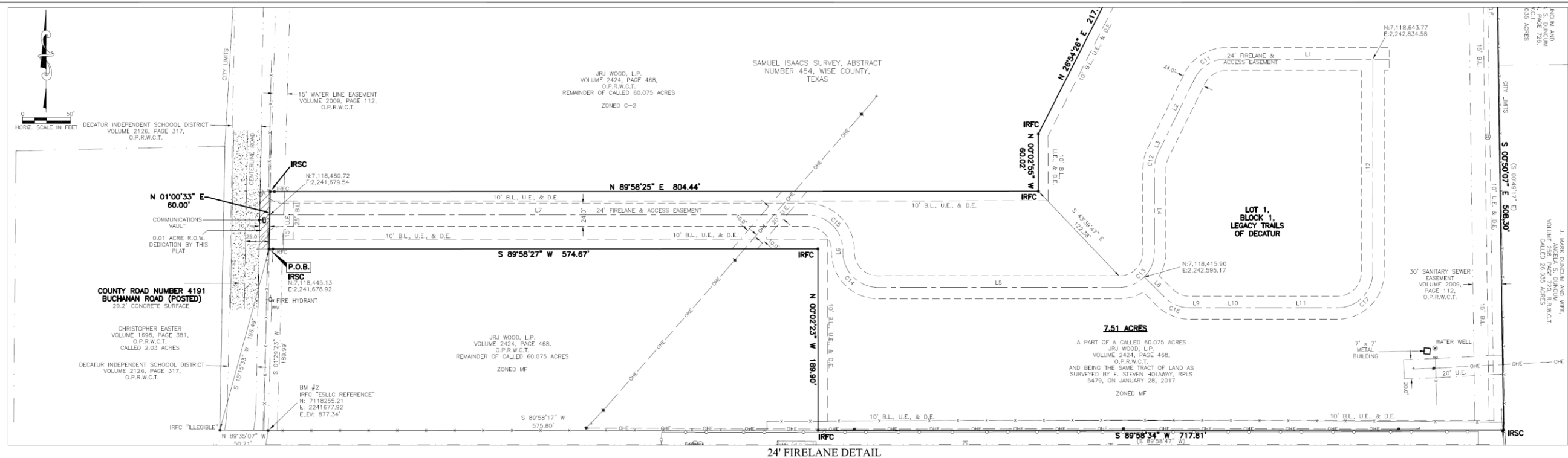
## LOCATION MAP

S:\Development\_Services\Planning\Development Review Cases\2018\Final Plats (FP)\FP2018-01 Lot 1, Blk 1, Legacy Trail of Decatur\FP2018-01 STAFF REPORT\_PZ 040318.doc



ATTACHMENT 1  
Final Plat Exhibit







LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	East	170.75	122	South	67.00
2	S 26°10'19" W	85.05	123	East	24.00
3	S 26°10'19" W	85.05	124	N 63°49'41" W	14.00
4	South	185.67	125	N 63°49'41" W	59.00
5	S 26°10'19" W	85.05	126	N 63°49'41" W	59.00
6	North	1.76	127	N 63°49'41" W	59.00
7	East	13.45	128	North	59.00
8	E 45°13'37" E	30.53	129	S 26°10'19" W	24.00
9	East	13.45	130	N 85°56'46" S	53.87
10	East	13.45	131	East	53.87
11	East	77.32	132	S 85°56'46" E	55.25
12	N 20°03'14" E	226.69	133	East	59.00
13	S 45°00'00" W	124.50	134	East	59.00
14	North	124.50	135	N 85°56'46" E	53.87
15	East	13.45	136	N 85°56'46" E	53.87
16	East	140.62	137	North	124.50
17	S 45°00'00" E	10.61	138	East	86.14
18	East	13.45	139	N 26°10'19" W	85.05
19	S 45°00'00" W	14.14	140	North	137.00
20	West	56.51	141	N 63°49'41" W	59.00
21	East	56.51	142	West	51.13

JOB NO. 2017080	
DRAWN BY: EZ	DATE: 09-25-2017
CHECKED BY: EZ	DATE: 09-25-2017
SCALE: 1"= 50'	PAGE 2 OF 2
<b>CASTLEROCK SURVEYING, PLLC</b> P.O. BOX 232, JUSTEN, TEXAS 76047 TELEPHONE: 960434-1533 EMAIL: EROG@CASTLEROCKSURVEYORS.COM TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM # 1094308	

● IRF = IRON ROD FOUND	⑤ SEPTIC LID
● IRC = IRON ROD FOUND WITH CAP	⑤⑤ STORM SEWER
☎ TELEPHONE RISER	⑤⑤ STORM SEWER MANHOLE
⊖ BURIED CABLE MARKER	⊖ CULVERT
⊖ ELECTRIC RISER	⊖ WATER METER
⊖ ELECTRIC TRANSFORMER	⊖ WATER VALVE
⊖ GAS METER	⊖ WELL
⊖ OIL & GAS PIPELINE MARKER	⊖ IRRIGATION CONTROL VALVE
⊖ UTILITY POLE	⊖ LIGHT POLE
⊖ GUY ANCHOR	⊖ FIRE HYDRANT
⊖ CLEAN OUT	

B.L. = BUILDING LINE	PROPERTY LINE
G.P.L. = OIL/GAS PIPELINE MARKER	ADJUSTER LINE
R.O.W. = RIGHT OF WAY	EASEMENT
F.F. = FINISHED FLOOR	UTILITY EASEMENT
C.M. = CONTROLLING MONUMENT	BUILDING LINE
* = BASE BEARING	OVERHEAD ELECTRIC
( ) = PLAT OR DEED CALL	WIRE FENCE
P.O.B. = POINT OF BEGINNING	WOOD FENCE
P.O.C. = POINT OF COMMENCEMENT	CHAIN LINK FENCE
B.M. = BURIED CABLE MARKER	METAL FENCE
U.E. = UTILITY EASEMENT	GRAVEL
D.E. = DRAINAGE EASEMENT	
CON. = AIR CONDITIONING PAD	

 GRAVEL  
 CONCRETE  
 P.R.W.C.T. = OFFICIAL  
 PUBLIC RECORDS, WISE  
 COUNTY TEXAS  
 P.R.W.C.T. = DEED  
 RECORDS, WISE COUNTY  
 TEXAS  
 P.R.W.C.T. = REAL  
 PROPERTY RECORDS,  
 WISE COUNTY TEXAS

ADDRESS: 7801 JACK FINNEY BOULEVARD, SUITE 101  
GREENVILLE, TEXAS  
75402

SURVEYOR:  
ERIC M. ZOLLINGER, R.P.L.S. 6357  
CASTLEROCK SURVEYING  
P.O. BOX 232  
RUSTIN, TEXAS  
76247  
940-242-1533

STATE OF TEXAS           §

CERTIFICATE OF SURVEYOR

COUNTY OF WISE         §

I, the undersigned, a (registered professional land surveyor), in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

"Preliminary, this document shall not be recorded for any purpose and Shall not be used or viewed or relied upon as a final survey document."

(Surveyor's Seal) \_\_\_\_\_  
Registered Professional Land Surveyor

### 15' SANITARY SEWER DETAIL

FINAL PLAT  
of  
LOT 1, BLOCK 1,  
LEGACY TRAILS OF  
DECATUR  
BEING 7.51 ACRES  
IN THE SAMUEL ISAACS SURVEY,  
ABSTRACT NUMBER 454,  
IN THE CITY OF DECATUR,  
WISE COUNTY, TEXAS



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

## STAFF REPORT

*April 3, 2018–Planning & Zoning Commission Meeting*

**TO: Planning & Zoning Commissioners**      **CASE: V2018-03**  
**FROM: Dedra D. Ragland, AICP, Planning Director**      **APPLICANT: Troy and Michelle Wolfe**  
**DATE: March 15, 2018**      **REQUEST: Variance for Sidewalk along Shady Lane**

### Case Notes:

Hear and consider and take action to make a recommendation to City Council regarding Variance Application 2018-03—Mr. and Mrs. Troy Wolfe’s request for a variance from Chapter 1, Section 106, Sidewalks of the City of Decatur’s Design Standards on approximately 130.31 linear feet along Shady Lane, where adjacent to the west boundary of Lot 22, Woodland Estates, and more commonly known as 1400 Shady Lane, City of Decatur, Texas.

### Legality:

According to the Decatur Design Standards, where specific topographic or other conditions make variance from these standards necessary in order to achieve the best overall design, the Planning Director upon recommendation from the City Engineer and Public Works Director may modify these standards (§101.7). The Planning and Zoning Commission may recommend and the City Council may authorize a variance from these standards when, in its opinion, extraordinary hardship will result from requiring strict compliance.

### Analysis:

Mr. and Mrs. Wolfe approached staff with a proposal to build an addition to their home. Permitting triggers compliance with ALL City Standards and Regulations including sidewalk construction. Per Appendix B “Zoning,” Section 4.5.1 “Building Permits Required:”

No Building or other Structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a Variance or as otherwise provided in this Ordinance. **Subject to the foregoing, a building permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with the Subdivision Ordinance, all appropriate plans have been approved by the City, all applicable ordinances have been met, and all fees have been paid.**

Per the following excerpts from Section 106 of the Decatur Design Standards, Sidewalks shall be required in all new subdivision as follows:

1. Sidewalks shall be constructed for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
2. Sidewalks shall be designed and constructed to minimize pedestrian and automobile conflicts in order to provide the safest pedestrian access possible.



3. Sidewalks shall be designed and constructed so as to connect with existing pedestrian walkways and to assure connection with future pedestrian walkways. Sidewalks shall be constructed either one (1) foot from the property line within the street right-of-way or within a dedicated sidewalk easement and shall extend along the street frontage including the side of corner lots and block ends. Lots requiring landscaping shall put trees between the sidewalk and the street.
4. Sidewalks along existing thoroughfares or streets so designated by the Master Plan shall be no less than four (4) feet in width.
5. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision.
6. The plat or construction plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
7. All sidewalks shall conform to ADA requirements.

### **Proposed Conditions for Approval:**

The City Council may wish to consider whether or not the applicant meets all of the following four conditions in order for variance to be granted. (*City Council may wish to not grant variances due to Financial or self-induced hardships:*):

1. The requested variance does not violate the intent and spirit of the ordinance.
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
3. The hardship is not the result of the applicant's actions, and
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

These four conditions are listed on the application and the applicant is asked to explain how he/she meets these conditions. (See Attachment 2)

### **Findings:**

*City Engineer offers the following findings:*

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;  
**Property is located and surrounded by Single Family development. Appears property was final platted in 1988 and has remained unchanged. Woodland Estates Subdivision is completely built out. No sidewalks exist in the neighborhood.**
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;  
**No sidewalks exist in the neighborhood. The addition of sidewalks should not affect property rights of owner, although no sidewalks exist within the subdivision.**
3. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

**No sidewalks exist in the neighborhood. The property has been developed for many years; therefore, it could be believed that the absence of sidewalks has not necessarily adversely impacted pedestrian safety.**

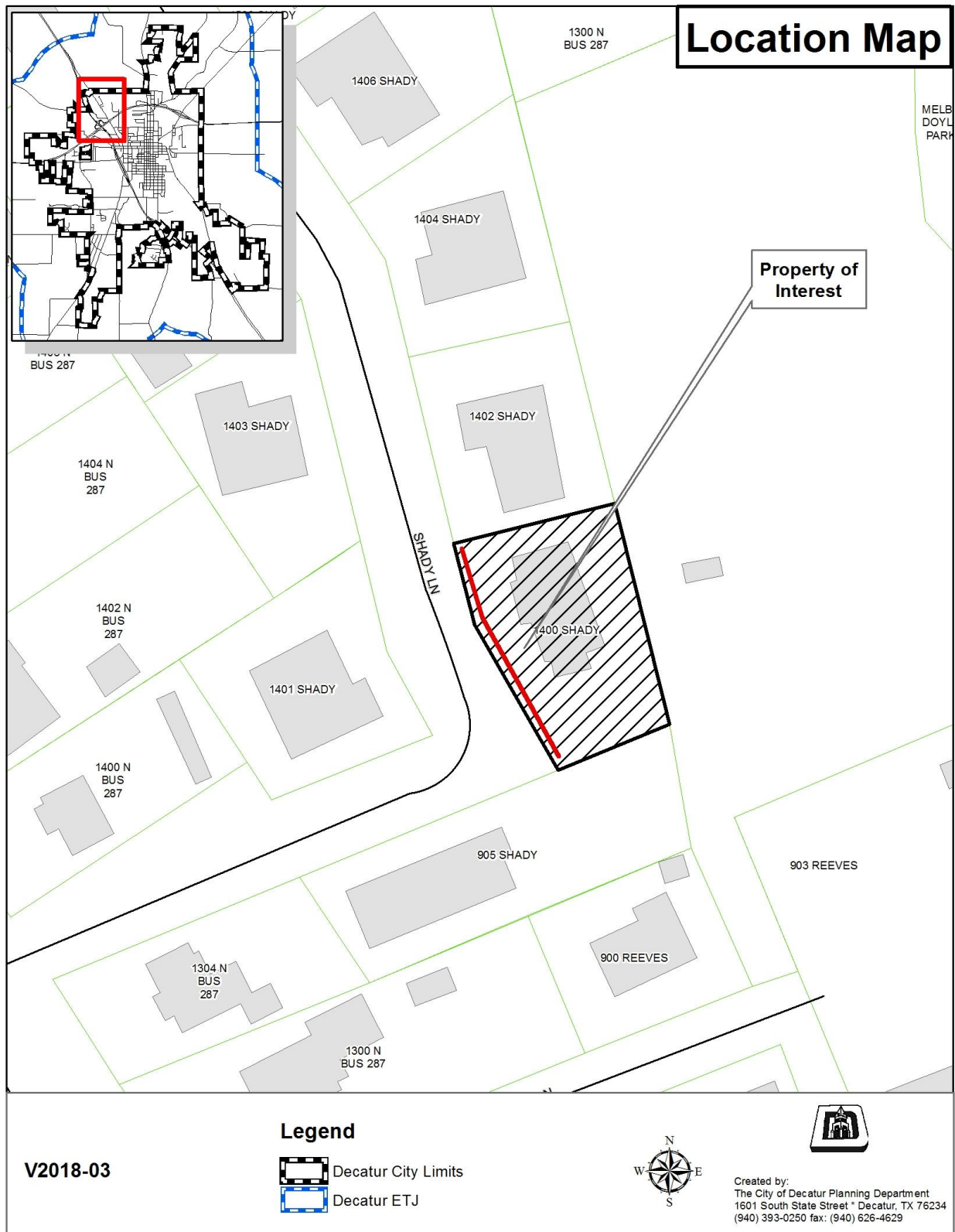
4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

**Area surrounding property is built out. Future replatting of surrounding properties that would require construction of sidewalks will occur in a random fashion. It is not reasonable to expect nearly all properties to have sidewalks unless City does a comprehensive project in the neighborhood.**

**Attachment:**

1. Location Map
2. Variance Application, Checklist & Justification Letter
3. Sidewalk Variance Exhibit
4. Memo from City Engineer

Attachment 1  
Location Map



## Variance Application, Checklist &amp; Justification Letter

**CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION**

Check box to indicate application type Incomplete applications will be rejected

<input type="checkbox"/> Annexation Petition	<input type="checkbox"/> Gas Well Development Plat	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Amending Plat	<input type="checkbox"/> Plat Extension-Final or Preliminary	<input type="checkbox"/> Subdivision Variance
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Conveyance Instrument	<input type="checkbox"/> Replat	<input type="checkbox"/> Zoning Variance (ZBA)
<input checked="" type="checkbox"/> Design Standards Variance	<input type="checkbox"/> ROW Use Agreement	<input type="checkbox"/> Vacation Plat
<input type="checkbox"/> Final Plat	<input type="checkbox"/> ROW Abandonment/ Closing	<input type="checkbox"/> Other _____

**Application Requirements:** Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.

**PROJECT INFORMATION:** ☒ Residential ☐ Commercial Is this property platted? ☒ Yes ☐ No

If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor

Project Name: Joy & Michelle Wolfe Total Acres: 0.224

Project Address (Location): 1400 Shady Ln. Lot 22 Woodland Parcel(s) Tax ID R #: 000026810  
(LOT, BLOCK & SUBDIVISION OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)

Parent Project Name/Number \_\_\_\_\_ Parcel(s) Tax ID GEO #: \_\_\_\_\_

Brief Description of Project: Room addition ETJ ☐ Yes

**Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request:** N/A Lien holder/mortgagee must also sign plat for filing of record.

Existing Use: \_\_\_\_\_ Existing Zoning: \_\_\_\_\_ # of Existing Lots: \_\_\_\_\_ # of Existing Units: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ # of Proposed Lots: \_\_\_\_\_ Proposed Units: \_\_\_\_\_

**APPLICANT INFORMATION:** Please circle your preferred method of contact.

Applicant / Company: Joy & Michelle Wolfe Email: tgwolfo76@gmail.com

Address: 1400 Shady Lane Phone: 940-389-4661 Fax: \_\_\_\_\_

City: Decatur State: Texas Zip: 76234

Property Owner: Same as above Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Key Contact/Company: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**(MUST BE SIGNED FOR ALL APPLICATIONS) - Letter of authorization required if signature is other than property owner and a letter of authorization is required from lienholder/mortgagee, if applicable.**

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Michelle Wolfe \_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER

**PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)** n/a

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code.

\_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER

Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
 Notary Public

**For Departmental Use Only**

Case#: V2018-03

Project Mgr: DDR

Total Fee(s): 75.00

Payment Method: CK

Submittal Date: 03-07-18

Accepted By: W





# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ www.decaturtx.org

## Design Standards Variance Request Subdivision Variance Request Checklist

### General Requirements:

- ☒ A universal application form and the appropriate fees.
- ☒ A letter of explanation/justification. See section below.
- ☒ Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- ☒ A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- ☒ Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).
- ☐ Submit documentation on any and all liens and lien holders of property. *N/A*
- ☒ I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.

### Variance Requested:

I, Tracy & Michelle Wolfe, being the owner of the property located at 1400 Shady Lane which is is not currently under consideration for final platting, request a variance from:

#### ☐ Design Standards Chapter 1

- ☒ Section 106 Sidewalks
  - ☐ Construction (Section 106.1)
  - ☐ Minimum Width (Section 106.7)
- ☐ Section 107 Landscape Design
  - ☐ Single-Family Landscaping Requirements
  - ☐ Multi-Family Landscaping Requirements
  - ☐ Office/Retail/Commercial Landscaping Requirements
  - ☐ Industrial Landscaping Requirements
- ☐ Section 108 Buffering
  - ☐ Type A Buffering—4' Fence with one (1) linear landscaping band
  - ☐ Type B Buffering—6' Decorative fence architecturally compatible with general area with one (1) linear landscaping band
  - ☐ Type C Buffering—6' Decorative fence architecturally compatible with general area with two (2) linear landscaping bands

#### Chapter 2

- ☐ Section 201 Street Improvements
  - ☐ Curb and Gutter (Section 201.2.3)

#### Other

Specify Chapter \_\_\_\_\_

- ☐ Specify Section \_\_\_\_\_
- ☐ Specify Sub-Section \_\_\_\_\_

Specify nature of any item checked above \_\_\_\_\_

#### ☐ Subdivision Regulations

Specify nature of request \_\_\_\_\_

Form Updated: 03/2012

*TDR*

**Content of the Letter of explanation/justification for a Variance:**

I understand that I am applying for a variance from the Design Standards/Subdivision Regulations of the City of Decatur and that this variance can only be granted if I prove hardship by meeting all four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land. (Specify how):

see attached letter

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. (Specify):

//

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area. (Specify):

//

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Design Standards or Subdivision Regulations and that the interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. (Specify):

//

Nichelle Wolfe  
Signature

3/6/18  
Date

**March 6, 2018**

**City of Decatur  
Planning and Zoning**

Dear Sirs,

We understand that we are applying for a variance from the Design Standards/Subdivision Regulations of the City of Decatur and that this variance can only be granted if we prove hardship by meeting all four of the conditions stated in the application. We also understand that financial or self-induced hardship cannot be considered for granting a variance. Below we explain exactly how our request meets these four conditions:

1. We live at 1400 Shady Lane, which is located on a one-street cul-de-sac addition, Woodland Estates, on the north end of the City. It is completely built out and has been for over 20 years. We have sloped curbs, but no street sidewalks whatsoever. (See attached map 3 and 4). Our particular lot is very shallow, but wide. Most of the homes on our street sit very close to the street as well, with very shallow front yards. We ask that you grant this variance because adding a street-side sidewalk to our home, or any home on this street would interfere with the mailbox, if put directly on the curb, or cover the water meters if set back enough to be behind it. It would essentially be the sidewalk to nowhere, and take up a significant portion of our already shallow yard, which would not be visually pleasing, and certainly not preferred over a nice grass yard.

2. We have lived at this location for 25 years, and we have never desired or needed a street-side sidewalk for any purpose. Being the small cul-de-sac that we are, traffic is minimal and walking is not hindered or deterred by a lack of sidewalks in the neighborhood. Sidewalks have not been missed.

3. Granting of this variance can in no way be detrimental to public health or safety, or welfare. However, we believe that not granting this variance and requiring the sidewalk could potentially pose an opportunity to be injurious to some of the neighborhood children. By that I mean, our home was built with a one car garage/driveway, and the original owner added a one-car carport/driveway on the other end of the structure. Adjoining these two driveways with a sidewalk (to nowhere else) would turn our home into the neighborhood "bike or skate park", with the nice sloped curb and turn around loop. We have grandkids who would think it great fun and we get that, however, the added risk and our real concern is that our house is situated directly in the corner as you make the turn to enter the development. With such a temptation to the kids, and cars coming around the corner, kids aren't always watching close and the vehicles would not expect "recreation ramp" activity as they make the turn, creating a potential for serious danger. It would be an extremely uncomfortable and unsafe scenario for us to think about even on child being harmed, including our own. (See site plan)

4. Finally, granting the variance will in no way prevent the proper order or deprive the rights of our neighbors in the area from enjoying their property and homes. As we stated above, there have never been street-side sidewalks in our neighborhood, nor the majority of surrounding neighborhoods where we live.

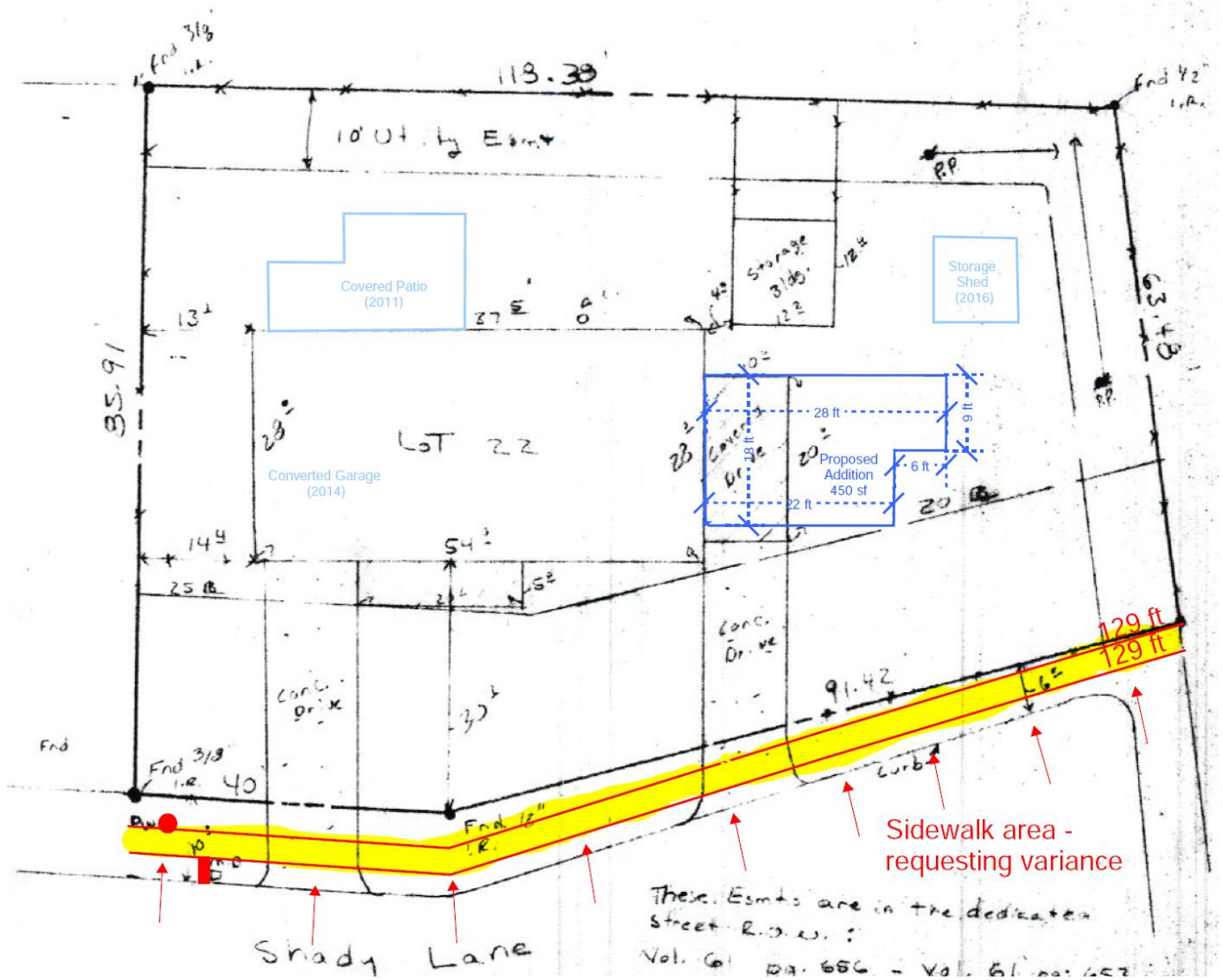
We appreciate your consideration and ask you to please grant us this variance.

Thank you,

Troy and Michelle Wolfe



Attachment 3  
**Sidewalk Variance Exhibit**





Attachment 4  
**Memo from City Engineer**



**City of Decatur  
City Engineer**

# Memo

**To:** Shanna Smith  
Dedra Ragland

**Cc:** Greg Hall  
Katherine Griffith

**From:** Earl Smith, P.E., CFM, City Engineer

**Date:** 03/07/2018

**Re:** 2018-03; Variance Request, Sidewalk at 1400 Shady Lane; Lot 22,  
Woodland Estates

---

## Comments on Variance Request:

### From Subdivision Ordinance: 103.8 - Conditions for Approval.

No variance shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

**Property is located and surrounded by Single Family development. Appears property was final platted in 1988 and has remained unchanged. Woodland Estates Subdivision is completely built out. No sidewalks exist in the neighborhood.**

And;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

**No sidewalks exist in the neighborhood. The addition of sidewalks should not affect property rights of owner, although no sidewalks exist within the subdivision.**

And;

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

**No sidewalks exist in the neighborhood. The property has been developed for many years, therefore it could be believed that the absence of sidewalks has not necessarily adversely impacted pedestrian safety.**

And;

4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

**Area surrounding property is built out. Future replatting of surrounding properties that would require construction of sidewalks will occur in a random fashion. It is not reasonable to expect all properties to have sidewalks unless City does a comprehensive project in the neighborhood.**